

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43896 of 2023

Arising Out of PS. Case No.-513 Year-2022 Thana- HILSA District- Nalanda

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1. SUMINDRA PRASAD @ SUMENDRA PRASAD S/O LATE KARU PRASAD R/O Village- Jaitipur, P.S- Hilsa, Distt.- Nalanda, Bihar.
 2. Kalabati Devi W/O Sumendra Prasad R/O Village- Jaitipur, P.S- Hilsa, Distt.- Nalanda, Bihar.
 3. Arvind Prasad @ Arvind Kumar S/O Late Raja Ram Briksh @ Jalim Singh R/O Village- Sadarpur, P.S- Chiksaura, Distt.- Nalanda, Bihar.
 4. Azad Kumar @ Kamal Raj Kumar S/O Harinandan Prasad R/O Village- Chandanpur, P.S- Islampur, Distt.- Nalanda, Bihar.
 5. Mamta Kumari W/O Raushan Singh R/O C/O Aashutosh Kumar, Postal park, P.S- Kankarbag, Distt.- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kishore Kunal, Advocate
For the Informant	:	Mr. Mukesh Kumar Suman, Advocate
For the State	:	Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-08-2023

1. Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in connection with Hilsa P.S. Case no. 513 of 2022 registered under sections 498A, 341, 323, 354, 506 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, it is stated by the informant that she was married to Raushan Rakesh in the year 2019. The accused persons including the petitioners herein started to torture her for demand of Rs 2 lacs as also a



motorcycle. She was also assaulted and not given food.

4. Learned counsel for the petitioners submits that the petitioners herein are the father-in-law, mother-in-law, maternal uncle-in-law as also the friend and relative of the husband of the informant. The allegations are general and omnibus in nature and the petitioners were given benefit of section 41(1) of the Cr.P.C. There is no allegation against the petitioners of having misused the said benefit.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioners are named in the FIR but there is direct allegation against them. Further so far as petitioner no. 5 is concerned, she is the lady with whom the husband of the complainant has an extra marital affair. It is further submitted that having received the benefit of section 41(1) of Cr.P.C the prayer for anticipatory bail is not maintainable.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioners in the FIR together with the relationship of the petitioners with the complainant, in the event of their arrest or surrender within four weeks, the above named five petitioners



are directed to be enlarged on bail in connection Hilsa P.S. Case no. 513 of 2022 on each of them furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Nalanda.

(Partha Sarthy, J)

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