

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39687 of 2023

Arising Out of PS. Case No.-2272 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Binda Devi W/O Late Baban Singh R/O Village- Majhauwa, PS. Haldi, Dist. Ballia, State- Uttar Pradesh
 2. Anil Kumar Singh S/O Late Baban Singh R/O Village- Majhauwa, PS. Haldi, Dist. Ballia, State- Uttar Pradesh
 3. Rubi Devi @ Rubi Singh W/O Sri Anil Kumar Singh R/O Village- Majhauwa, PS. Haldi, Dist. Ballia, State- Uttar Pradesh

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Divya Kumari @ Divya Devi W/O Sunil Kumar Singh, D/O Sri Satyendra Singh at Present residing at House No. 162, Police Colony, Block-C, PS. Phulwarisarif, Dist. Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Upendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Gulnar Begum, APP
		Mr. Sanjeev Kumar with
		Mr. Manoj Vatsal, Advts.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners, learned APP
for the State, and learned counsel for the informant.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 2272 (C) 2021, registered for the offence punishable under Sections 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. There is allegation that the complainant's husband and in-laws, including the petitioners have been subjecting her to cruelty and torture for non-fulfillment of demand for dowry.



In the complaint petition (Annexure-1) specific allegation has been made against these petitioners, who are mother-in-law, elder brother-in-law and his wife respectively that they have pushed her over the roof, for which, it is stated that she also underwent treatment at PARAS HMRI Hospital.

4. It is submitted by the petitioners' counsel that the complainant is suffering with a known case of some mental disorder. In support of the submission, copy of prescriptions (Annexure-3 series) have been produced. The prescriptions are of 2014, long before lodging of the complaint (Annexure-1), wherein, the complainant is shown to be suffering with unspecified episodic mood disorder, schizoaffective disorder and unspecified condition, major depressive disorder etc. The submission is that the petitioners have been implicated on extraneous consideration by virtue of their relationship. In fact, the complainant had suffered a fall, for which, she was treated and the complaint has been lodged much after the date, on which she alleges to have been pushed over the roof.

5. Learned APP for the State and learned counsel for the informant have opposed the prayer for bail. It is submitted that these petitioners are equally responsible for subjecting the complainant to cruelty. Copy of the discharge summary of



PARAS HMRI Hospital has been handed over to the Court by the learned counsel for the informant to show that she was treated because she had suffered from injuries due to a fall. The discharge summary is dated 18-05-2021. From the same also, it appears that the PARAS HMRI Hospital also has recorded in the patient history that she is suffering with a known case of depression; and on medications since the last ten years.

6. Considering the rival submissions, the relationship of the petitioners with the victim, the medical condition of the victim, as also the clean antecedents, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Patna, in connection with Complaint Case No. 2272 (C) of 2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:



(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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