

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47451 of 2023

Arising Out of PS. Case No.-377 Year-2022 Thana- KALYANPUR District- Samastipur

1. PAACHI DEVI Wife of Ram Prakash Yadav Resident of village - Sagarpur, ward no. 5, P.S. - Sakari, Distt. - Madhubani
2. Ram Prakash Yadav Son of Late Ashrfi Yadav Resident of village - Sagarpur, ward no. 5, P.S. - Sakari, Distt. - Madhubani

... .. Petitioner

Versus

1. The State of Bihar
2. Phool Mala D/o Tribhwan Rai, W/o Krishna Kumar Resident of village - Keshopatti, P.S. - Kalyanpur, Distt. - Samastipur

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Nazir Ansari, APP
For the Informant	:	Mr. Prabhat Kumar, Advocate
		Mr. Ankit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. Petitioners in the present case are the father-in-law and mother-in-law respectively of the Opposite Party No.2 who are seeking pre-arrest bail in connection with Kalyanpur P.S. Case No. 377 of 2022 registered for the offences punishable under Sections 341, 323, 354(B), 504, 506, 498(A) and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. They have got no criminal antecedent.

3. As per the prosecution story, the informant was married to the petitioner on 05.03.2018. It is alleged that on account of non-fulfillment of dowry demand, these petitioners

along with other co-accused persons were indulged in torturing the informant and they even ousted her from the matrimonial home.

4. Learned counsel for the petitioners submits that because of matrimonial discord between the Opposite Party No.2 and her husband, the present case has been lodged and the petitioners have been falsely implicated in this case.

5. It is submitted that these petitioners are living separately and the informant has got a government job as Data Operator in Baheri Block and she is living in her father's house. It is only when the husband of the Opposite Party No.2 filed Matrimonial Case No. 43 of 2020 on 07.07.2020 in the court of learned Principal Judge, Samastipur and notice was sent as per order of the court, thereafter the present criminal case has been lodged.

6. Learned counsel for the Opposite Party No.2 has opposed this application as according to him the petitioners are also indulged in demand of dowry. The anticipatory bail application of the husband of the Opposite Party No.2 is still pending.

7. Learned APP for the State has also opposed the prayer for anticipatory bail of the petitioners.

8. Having regard to the facts and circumstances of the case, considering the above submissions and the fact that these

petitioners are father-in-law and mother-in-law of the Opposite Party No.2, who are living separately and the Opposite Party No.2 is doing a job and residing with her father, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named be released on bail in connection with Kalyanpur P.S. Case No. 377 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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