

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42142 of 2023

Arising Out of PS. Case No.-509 Year-2022 Thana- BUDDHACOLONY District- Patna

1. Seema Devi Wife Of Jitendra Rai @ Jitendra Kumar @ Munna Resident Of Village- Adarsh IAS Colony, PS- Budha Colony, Distt- Patna
2. Jitendra Rai @ Jitendra Kumar @ Munna Son Of Late Janardhan Rai Resident Of Village- Adarsh IAS Colony, PS- Budha Colony, Distt- Patna
3. Ashish Rai @ Ashish Kumar Son Of Jitendra Rai @ Jitendra Kumar @ Munna Resident Of Village- Adarsh IAS Colony, PS- Budha Colony, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioners and the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 498(A), 313 of the Indian Penal Code.

3. As per the prosecution case, after the death of husband of informant, the petitioner nos. 1 and 2 assured the informant to solemnize her second marriage with petitioner no. 3, but after sometime they starting committing *marpit* with the informant and refused to perform her marriage with petitioner no. 3. It is further alleged that all the petitioners forcibly gave



her medicine which resulted in her miscarriage.

4. It is submitted that petitioner no. 1 is mother-in-law, petitioner no. 2 is father-in-law and petitioner no. 3 is brother-in-law of the informant. As a matter of fact, much prior to the lodging of the present FIR, petitioners had already filed an Informatory Petition No. 3257 of 2022 in the Court of Chief Judicial Magistrate, Patna on 01.09.2022 by the petitioner no. 2 and petition dated 09.10.2022 before the Deputy Superintendent of Police, Kotwali, Patna by petitioner no. 1. Informant lodged this false case only with a view to put pressure upon the petitioners to perform second marriage with petitioner no. 3. Moreover, there is inordinate delay in lodging of the FIR. Petitioners claim clean antecedents.

5. Counsel for the informant vehemently opposed the prayer for bail and submitted that specific allegation against petitioners that they gave medicine to the informant which resulted into miscarriage of the informant.

6. Considering the facts aforesaid, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 Judicial Magistrate Ist Class, Patna in connection with Budha Colony P.S. Case No. 509 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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