

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44183 of 2023

Arising Out of PS. Case No.-166 Year-2023 Thana- SABAUR District- Bhagalpur

1. Kouyshalya Devi @ Kaushalya Devi, Wife of Late Rupan Harijan, Resident of Village- Rajpur, P.S.- Sabour, Distt- Bhagalpur
2. Manisha Kuamri, Daughter of Dablu Das, Wife of Manoj Das, Resident of Village- Rajpur, P.S.- Sabour, Distt- Bhagalpur
3. Beby Devi, Wife of Tenushwar Das @ Tony Das, Resident of Village- Jamtikari Road, Mohanpur, Champanagar, Sahebganj, Distt- Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ankit Raj, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Learned counsel for the petitioners submits that this being a police case arising out of a first information report, the informant is not a necessary party, hence, he may be allowed to delete the opposite party no. 2.

2. Learned APP for the State is present and does not oppose this prayer.

3. This Court, therefore, permits learned counsel for the petitioners to delete the opposite party no. 2.

4. Heard learned counsel for the petitioners and learned APP for the State.

5. The petitioners in the present case are seeking pre-arrest bail in connection with Sabour P.S. Case No. 166 of 2023



registered for the offences punishable under Sections 341, 323, 498A, 494, 34 of the Indian Penal Code and 3/4 of the Prevention of Witch (Daain) Practice Act. They have no criminal antecedent.

6. Learned counsel for the petitioners submits that the marriage between the son of petitioner no. 1 and the informant was solemnized in the year 2011. They have two daughters out of the wedlock. The allegation is that the husband of the informant and the mother-in-law as also sister-in-law used to beat her and used to demand money from the informant.

7. Learned counsel submits that the kind of allegations are not believable prima-facie because the marriage had taken place more than 10 years back and the informant had already settled with her husband.

8. Learned counsel further submits that earlier the informant had filed a complaint case in the learned court below in which the mother-in-law and sister-in-law were also made party but the learned court took cognizance of the offence and decided to issue summon only to the husband.

9. It is submitted that so far as the petitioner nos. 1 and 2 are concerned, they are in no way concerned with the second marriage of the husband of the informant and have not



played any role.

10. Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioners, but, having regard to the kind of submissions noted hereinabove, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Sabour P.S. Case No. 166 of 2023 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 C.J.M., Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

11. 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.

12. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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