

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47997 of 2023

Arising Out of PS. Case No.-378 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

1. MUNSHI RAY SON OF LATE SAKAL RAY RESIDENT OF VILLAGE-
GADHIPAR, PATTHARGHAT, MOHANPUR, PS- SHAHPUR PATORI
(MOHANPUR OP), DISTT- SAMASTIPUR
2. SHYAM SUNDARI DEVI @ SAMUNDRI DEVI WIFE OF MUNSHI
RAY RESIDENT OF VILLAGE- GADHIPAR, PATTHARGHAT,
MOHANPUR, PS- SHAHPUR PATORI (MOHANPUR OP), DISTT-
SAMASTIPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. MINA DEVI WIFE OF ABHINANDAN RAI RESIDENT OF VILLAGE-
GADHIPAR, PATTHARGHAT, MOHANPUR, PS- SHAHPUR PATORI
(MOHANPUR OP), DISTT- SAMASTIPUR AT PRESENT RESIDENT OF
VILLAGE- PAHARPUR, PS- JURAWANPUR, DISTT- VAISHALI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection
with Shahpur Patori P.S. Case No. 378 of 2022 for the offence
registered under Sections 341, 323, 307, 272 and 498A of the
Indian Penal Code lodged on 12.09.2022 by the informant, Mina
Devi.

As per the prosecution story, the lady was married to
Abhinandan Rai but was tortured for dowry. Further allegation
is that he has married again and used to assault the informant so



that she leaves the place. Further allegation is that he was duly supported by this petitioner and on the fateful day, he administered some substance which resulted into her falling ill and was taken to the hospital.

It is the case of the petitioner that only to implicate them, the FIR has been exaggerated. Further, they are separated from the couple due to regular acrimony have nothing to do with it. He further submits that the allegation does not match the treatment report of the informant dated 22.11.2022.

Learned APP for the State opposes the prayer for bail they were also part and parcel of the assault on the informant.

Considering the fact that that the allegation is mainly against the husband, the petitioner nos. 1 and 2 are parents, aged couple and they do not have criminal antecedent, this Court is inclined to grant them privilege of bail.

Let the petitioners, in the event of their arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Samastipur in connection with Shahpur Patori P.S. Case No. 378 of 2022 subject to condition as laid



down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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