

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47356 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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1. SHITAL PRADHAN SON OF LATE JANAK PRADHAN R/O-
MAHARAJGANJ, WARD NO.-13, P.S.- TOWN, DISTRICT-
MADHUBANI
 2. RUKMANI DEVI WIFE OF SHITAL PRADHAN R/O- MAHARAJGANJ,
WARD NO.-13, P.S.- TOWN, DISTRICT- MADHUBANI
 3. RAJIV PRADHAN @ GUDDU SON OF SHITAL PRADHAN R/O-
MAHARAJGANJ, WARD NO.-13, P.S.- TOWN, DISTRICT-
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Das

For the Opposite Party/s : Mr.Rajendra Nath Jha

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 19-01-2023 Learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioners as well as
the learned counsel for the informant. The informant and the
petitioners are also present in the Court.

The petitioners apprehend their arrest in connection
with Town P.S. Case No. 123 of 2022, registered for the
offences punishable under Sections 498 (A)/ 307 of the Indian
Penal Code and 3/4 D.P. Act.



As per allegation, the informant was married to co-accused Rahul Pradhan in the year 2013. It was a love marriage and the couple has two children. The accused persons including the petitioners subjected her to cruelty for non-fulfillment of demand of dowry. They badly assaulted her and ousted her from the matrimonial house.

Learned counsel for the petitioner has submitted that the petitioners are father-in-law, mother-in-law and brother-in-law (*bhaisur*) of the informant. They live separately having no connection with the couple.

The informant has stated that her two children are living in the house of the petitioners and she wants the custody of those children being mother and natural guardian.

The petitioners agreed to provide visiting right to the informant, the mother, but the ultimate decision has to be taken by the husband and wife. The husband is under custody.

The petitioners have also assured that they are ready to keep the informant with full dignity and honour, and if the couple are ready to conciliate their dispute, they shall not make any hindrance in that process.

Considering the above-mentioned facts and circumstances, let the petitioners, in the event of their arrest or



surrender within four weeks before the learned court below, 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 learned Chief Judicial Magistrate, Madhubani in connection with Town P.S. Case No. 123 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioners are directed to provide the visiting right to the informant with her children. They may decide the frequency of visit between the children and their mother.

The learned court below shall also keep vigil on the visiting right of mother, the informant.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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