

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34624 of 2022

Arising Out of PS. Case No.-166 Year-2022 Thana- BANKA District- Banka

MANJU DEVI W/o Tarni Yadav Resident of Village- Gurmi Bathan (Kojhi),
P.S. and District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dulari Devi W/o Suresh Yadav Resident of Village- Gurmi Bathan, P.S. and District- Banka.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49140 of 2022

Arising Out of PS. Case No.-166 Year-2022 Thana- BANKA District- Banka

SURESH YADAV Son of Tarni Yadav Resident of Village - Gurmi Bathan
(Kojhi), P.s. and Distt.- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dulari Devi W/o Suresh Yadav Resident of Village - Gurmi Bathan, P.s. and Distt.- Banka.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34624 of 2022)

For the Petitioner/s : None

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

(In CRIMINAL MISCELLANEOUS No. 49140 of 2022)

For the Petitioner/s : None

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 31-01-2023 No one appears on call.

The petitioners apprehend their arrest in connection
with Banka P.S. Case No.166 of 2022 instituted under Sections
498A, 341, 323, 504, 506, 307 & 37 of the Indian Penal Code



and under Section 3/4 of Dowry Prohibition Act.

As per the FIR, the marriage, was solemnized with one Suresh Yadav and after the marriage she went to the matrimonial house but was tortured for want of dowry. On the fateful day, she was assaulted whereafter police came, rescued her and later FIR was lodged.

So far as the petitioner Suresh Yadav (Cr. Misc. No.49140 of 2022) is concerned in view of the fact that he is the husband and was duty bound to protect the lady, allegation is that she was assaulted and it was the police who rescued her where after the FIR was lodged, no relief can be granted to him and accordingly the case of grant of anticipatory bail stands rejected.

So far as the petitioner Manju Devi (Cr. Misc. No.34624 of 2022) is concerned as per the averment, the petitioner is an aged lady, mother-in-law, do not have criminal antecedent and they were living separately from the couple, this Court is inclined to extend her privilege of anticipatory bail.

Let the petitioner, namely, Manju Devi be released on bail, in the event of her arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten



Thousand) each with two sureties of the like amount each in connection with Banka P.S. Case No.166 of 2022 to the satisfaction of learned C.J.M., Banka, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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