

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53095 of 2023

Arising Out of PS. Case No.-161 Year-2022 Thana- PHULPARAS District- Madhubani

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1. Krishna Bahadur Sen @ Krishan Bahadur Singh @ Krishan Bahadur S/O Chhedi Prasad @ Chhedi Prasad Sen R/O Village-Painta, P.S.-Phulparas, District-Madhubani
 2. Nirmala Devi W/O Krishna Bahadur Sen @ Krishan Bahadur Singh @ Krishan Bahadur R/O Village-Painta, P.S.-Phulparas, District-Madhubani
 3. Purushottam Sen @ Purushottam Singh S/O Krishna Bahadur Sen @ Krishan Bahadur Singh @ Krishan Bahadur R/O Village-Jalpura, P.O.Kulesara, P.S.-ECOTECH-3 Gauttam Buddha Nagar, Uttar Pradesh-201306
 4. Anand Sen @ Anand S/O Krishna Bahadur Sen @ Krishan Bahadur Singh @ Krishan Bahadur R/O Village-Jalpura, P.O.Kulesara, P.S.-ECOTECH-3 Gauttam Buddha Nagar, Uttar Pradesh-203207
 5. Doli Devi @ Doli W/O Pursottam Singh R/O Village-Jalpura, P.O.Kulesara, P.S.-ECOTECH-3 Gauttam Buddha Nagar, Uttar Pradesh-201306

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manindra Kishore Singh, Adv

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioners and the
learned APP for the State.

2. The petitioners are apprehending their arrest in
connection with Phulparas P.S. Case No. 161 of 2022



corresponding to G.R. No. 552 of 2022, registered for the offence punishable under Section 498(A) of the Indian Penal Code.

3. The informant has alleged torture at the hands of the petitioners. Petitioner No.1 is father-in-law, petitioner no. 2 is mother-in-law, petitioner no. 3 is elder brother-in-law and petitioner no. 4 is younger brother-in-law, whereas petitioner no. 5 is *Gotni*.

4. The FIR alleges that petitioner no. 5 has poured kerosene over the informant with the intention of setting her ablaze. There is also allegation of torture and mistreatment for non-fulfilment of the demand for dowry. The marriage was solemnized on 10.12.2020, whereas the FIR has been lodged on 03.04.2022, containing allegations of the date 10.02.2022.

5. The learned counsel for the petitioners submits that the FIR contains allegations which are two months prior to lodging of the FIR. This itself is a clear indication of falsity of the case. All the petitioners are in-laws of the informant and have been dragged into this case on extraneous considerations. The informant's husband and informant are engaged in mediation. The petitioners have clean antecedent, and it is alleged that they have no concern with the informant or her



husband.

6. The learned APP for the State has opposed the prayer for bail.

7. Considering the rival submissions, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

8. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, 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 the learned Addl. C.J.M, Jhanjarpur, Madhubani, in connection with Phulparas P.S. Case No. 161 of 2022 corresponding to G.R. No. 552 of 2022 , subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court



if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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