

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54238 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- MAHILA PS District- Aurangabad

1. Madan Sao @ Madan Prasad Son Of Late Kanhaiya Prasad Resident Of Village, Po And Ps- Dumraon, Distt- Buxar, Bihar
2. Kunti Devi Wife Of Madan Sao @ Madan Prasad Resident Of Village, Po And Ps- Dumraon, Distt- Buxar, Bihar
3. Dinesh Kumar @ Dinesh Prasad Son Of Madan Sao @ Madan Prasad Resident Of Village, Po And Ps- Dumraon, Distt- Buxar, Bihar
4. Kiran Kumari @ Kiran Devi Wife Of Dinesh Kumar @ Dinesh Prasad Resident Of Village, Po And Ps- Dumraon, Distt- Buxar, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari Wife Of Anil Kumar Resident Of Village- Kochardh, Po- Soni Nagar, Ps- Barun, Distt- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Aurangabad Mahila P.S. Case No. 05 of 2023, registered on 13.03.2023, for the alleged offence under Sections 341, 323, 504, 506, 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

03. As per prosecution case, marriage of the informant was solemnized with co-accused Anil Kumar on 19.11.2019. The petitioner are parents-in-law, brother-in-law and sister-in-law of the informant, respectively. Allegation against petitioners and co-



accused is that they have been demanding a Bullet motorcycle, rupees two lakh in cash and a gold chain of 20 grams as dowry and on non-fulfillment thereof, they treated the informant with cruelty and tortured her. Finally, they drove her out from her matrimonial home.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. There is general and omnibus allegation against the petitioners, who are all in-laws of the informant. Even the co-accused husband wants to keep his wife with honour and dignity and he has filed a case for restitution of conjugal life vide Matrimonial Case No. 292 of 2022 before the learned Principal Judge, Family Court, Aurangabad. After coming to know about the matrimonial case, the informant has lodged the present case against the petitioners and co-accused (husband). There is no cogent material against the petitioners and allegations are general and omnibus.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioners are all in-laws of the informant and the allegations are not specific and further considering the possibility



of false accusation, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Aurangabad in connection with Mahila P.S. Case No. 05 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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