

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56261 of 2023

Arising Out of PS. Case No.-41 Year-2022 Thana- SRINAGAR District- West Champaran

1. Hasmuddin Mian Son Of Late Ginni Mian Resident Of Village - Madhuaha, Amwa Tola, P.S. - Nautan, District - West Champaran
2. Hasbun Nesha Wife Of Hasmuddin Mian Resident Of Village - Madhuaha, Amwa Tola, P.S. - Nautan, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahnaj Begam Wife Of Imran Mian, Daughter Of Dukhi Mian At Present Resident Of Bagahi, Baghampur P.S. - Srinagar, District - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2023 Heard Mr. Ashok Kumar Gupta, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners, who are parents-in-law of the O.P. No. 2, are apprehending their arrest in connection with Srinagar P.S. Case No. 41 of 2022, registered for the offences punishable under Sections 120(B), 498(A), 323, 352, 427, 406, 504 and 506/34 of the Indian Penal Code.

3. Allegedly, the marriage of the petitioner was solemnized with the O.P. No. 2 on 14.01.2019 with the son of the petitioners, however, soon after the marriage, she was



subjected to demand of dowry and on account of non fulfillment of the same, she was tortured in various ways. It is also alleged that the petitioners son has illicit relation with another lady and this is also one of the reason of torture.

4. Learned counsel appearing on behalf of the petitioners submits that so far the allegation of illicit relation of the son of the petitioners is concerned, the same is patently incorrect, it is the fact that the son of the petitioners' has filed a case for restitution of conjugal right under Section 9 of the Hindu Marriage Act bearing Case No. 290 of 2021, which is pending before the learned Court of Principal Judge, Family Court, West Champaran, Bettiah. He next submits that the husband of the O.P. No. 2 has already been allowed the privilege of anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 53214 of 2023 vide order dated 19.08.2023.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are parents-in-law and there is no specific allegation of any torture and demand of dowry, let the petitioners above named be



released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub - Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Srinagar P.S. Case No. 41 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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