

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 59522 of 2023**

Arising Out of PS. Case No.-190 Year-2021 Thana- MADHEPURA COMPALINT CASE  
District- Madhepura

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1. ASHOK SAH @ ASHOK PRASAD SAH SON OF LATE BINDESHWARI SAH RESIDENT OF VILLAGE - MATWAILI, WARD NO.10, P.S. - DAGARUA, DISTRICT - PURNIA
  2. DAYARANI DEVI SON OF ASHOK SAH @ ASHOK PRASAD SAH RESIDENT OF VILLAGE - MATWAILI, WARD NO.10, P.S. - DAGARUA, DISTRICT - PURNIA
  3. RAJESH KUMAR SAH SON OF ASHOK SAH @ ASHOK PRASAD SAH RESIDENT OF VILLAGE - MATWAILI, WARD NO.10, P.S. - DAGARUA, DISTRICT - PURNIA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR PATNA
2. PUJA KUMARI WIFE OF DURGESH KUMAR, D/O. KAMLESHWAWRI SAH RESIDENT OF VILLAGE - GANESH SATHAN, WARD NO.13, P.S. AND DISTRICT - MADHEPURA

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ebrahim Kabir, Advocate  
For the Opposite Party/s : Ms. Shaheen Begum, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      05-10-2023                      Heard the parties.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 190 of 2021 for the offence under sections 323, 341, 494, 504, 506, 34 of the I.P.C. and 3/4 of Dowry Prohibition Act by the complainant Puja Kumari.

3. As per the prosecution story, the complainant Puja Kumari alleged that she has got married to Durgesh Kumar Sah



but was always tortured for dowry. Further, her husband has also solemnized marriage with one Priti Kumari. She has been ousted and had to take shelter in the house of her parents. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that they are aged father-in-law, mother-in-law and brother-in-law, having no role to play in the matter, there are differences between the couple and only because they belong to the family, have been implicated. Further, they are ready to abide by all the terms and conditions.

5. Learned APP opposes the prayer stating that they are part and parcel of the family who had tortured the lady and subsequently the husband has re-married.

6. Taking into account the fact that the petitioners are the father-in-law, mother-in-law and brother-in-law, the main role is attributed to the husband, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners, above named, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Madhepura,



in connection with Complaint Case No. 190 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

**(Rajiv Roy, J)**

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