

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60081 of 2023

Arising Out of PS. Case No.-77 Year-2022 Thana- MAHILA P.S. District- Lakhisarai

1. Neha Kumari, D/O - Ashok Singh @ Ashok Kumar, R/O - Village Nepura Berauti, P.S. - Deepnagar, District-Nalanda.
2. Ayush Kumar @ Shivam, S/O- Ashok Singh @ Ashok Kumar, R/O - Village Nepura Berauti, P.S. - Deepnagar, District-Nalanda.
3. Ashok Singh @ Ashok Kumar, S/O Late Baiju Singh, R/O - Village Nepura Berauti, P.S. - Deepnagar, District-Nalanda.

... .. Petitioners

Versus

1. The State of Bihar.
2. Sonam Kumari, W/O Anant Kumar, A/P resident of village-Balgudar, P.S. Lakhisarai, District-Lakhisarai.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Sunil Kumar, Advocate
For the O.P. No. 2	:	Mr. Rajnish Kumar, Advocate
For the State	:	Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 18-12-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Lakhisarai Mahila P.S. Case No. 77 of 2022 dated 19.12.2022 registered for the offences punishable under Sections 341, 323, 498A, 494, 379, 504, 506/34 of the I.P.C. and



Section 3/4 of the D.P. Act.

4. As per the prosecution case, the husband of the informant is alleged to have tortured and assaulted the informant due to non-fulfilment of demand of Rs. 25,00,000/- and a four wheeler as dowry. In the meantime, her husband contracted second marriage with the petitioner no. 1. Thereafter, her husband and the petitioners abused, assaulted and ousted her from the matrimonial house after taking her all belongings.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. The petitioners neither demanded any dowry nor tortured the informant. It is further submitted that the petitioner no. 1 is the so-called second wife of the informant's husband, the petitioner no. 2 is brother and the petitioner no. 3 is the father of the petitioner no. 1 and they have no concern with the alleged offence. It is further submitted that the allegation as alleged against the petitioners, especially the petitioner no. 1 who solemnized marriage with the informant's husband, is out and out false, fabricated and concocted as stated in paragraph no. 9 of the bail application. Learned counsel for the petitioners has relied upon the judgments of this Court in the case of "*Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs.*



The State of Bihar, reported in **2006(3) PLJR 182**” and in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation and Another* (2022) 10 SCR 351 and *Md. Asfak Alam Vs. The State of Jharkhand & Anr.* passed in **Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023**. Learned counsel for the petitioners has further submitted that Section 498(A) of the Indian Penal Code is triable by the Magistrate. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State, learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Lakhisarai in connection with Lakhisarai Mahila P.S. Case No. 77 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.



8. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

