

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58111 of 2023

Arising Out of PS. Case No.-271 Year-2023 Thana- SARAIYA District- Muzaffarpur

1. Sanjeet Kumar Chaudhary @ Sanjeet Kumar S/O Krishna Kumar Chaudhary @ Kishun Chaudhary R/O Village- Arupur, Ps. Saraiya, Dist. Muzaffarpur
2. Poonam Devi W/O Sanjeet Kumar Chaudhary @ Sanjeet Kumar R/O Village- Arupur, Ps. Saraiya, Dist. Muzaffarpur
3. Aditya Kumar Chaudhary @ Aditya Kumar S/O Sanjeet Kumar Chaudhary @ Sanjeet Chaudhary R/O Village- Arupur, Ps. Saraiya, Dist. Muzaffarpur
4. Aniket Chaudhary @ Aniket Kumar S/O Sanjeet Kumar Chaudhary @ Sanjeet Kumar R/O Village- Arupur, Ps. Saraiya, Dist. Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Saraiya P.S. Case No. 271 of 2023 dated 10.05.2023, instituted for the offence punishable under Sections 498(A), 306, 504, 506 read with Section 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

3. The allegation against the petitioner is that he being complicit in abetting the suicide of the informant's husband and committing torture to meet out dowry demand. It is further



alleged that after the death of the informant's husband, the named accused persons always used to torture her.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that all the petitioners are distant relatives i.e., *Mausa*, *Mausi*, *Mausera Bhai*, living in different villages having no concern with the home affairs of the present informant or her father-in-law, mother-in-law and other family members. It is submitted that in fact the husband of the informant committed suicide being fed up with the act and conduct of the informant herself and at the time of death of her husband she was all along with family at Kolkata and in her presence the police was informed and the Damdam (Kolkata) police registered U.D. Case No. 25 of 2022 on 08.05.2022. It is also submitted that allegation is about torture for leaving the place of matrimonial home (Saraiya). There is no allegation in the totality of the facts narrated in the F.I.R. It is further submitted that there is nothing against the petitioner and in the second part of the F.I.R., there is a super addition of torture to the informant only. As such, no case either under Section 498(A) and $\frac{3}{4}$ of the Dowry Prohibition Act or under 306 of Indian Penal Code is made out against the petitioner. Lastly, it



has been submitted that they have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners in connection with Saraiya P.S. Case No. 271 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with each two sureties of the like amount each to the satisfaction of the learned S.D.J.M., West Muzaffarpur, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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