

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59331 of 2023

Arising Out of PS. Case No.-26 Year-2022 Thana- MAHILA P.S. District- Madhepura

1. Lalita Devi @ Lalita Kumari wife of Ashok Kumar Yadav Mohalla- Jyoti Bihar Ps-Industrial Area Dist- Bhagalpur
2. Ashok Kumar Yadav son of Late Shukdeo Prasad Yadav Mohalla- Jyoti Bihar Ps- Industrial Area Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-10-2023 Heard Mr. Praveen Kumar, learned counsel for the petitioners and Mr. Sanjay Kumar Pandey, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Madhepura Mahila P.S. Case No. 26 of 2022, F.I.R. dated 03.06.2022 registered for the offences punishable under Sections 498A, 323, 313, 504, 506, 34 of the Indian Penal Code.

3. Allegation against the petitioners is of demand of dowry and torture for the same.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the petitioners are father-in-law and mother-in-law of the informant



and the police after investigation submitted a final form in favour of the petitioners and the learned Court below differing with the final form of the prosecution has taken cognizance vide order dated 05.06.2023 against these petitioners under Sections 498(A), 323, 504, 506, 34 of the Indian Penal Code. Learned for the petitioners further submits that from perusal of the F.I.R. it appears that there is no accusation of any assault or overt act attributed against the petitioners and they have no concern with the family affairs of the informant.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Madhepura in connection with Madhepura Mahila P.S. Case No. 26 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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