

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59216 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- MAHILA PS District- Buxar

1. Sushila Devi Wife Of Late Tilakdhari Rai Resident Of Village And P.O. - Mugaon, P.S. - Karansarai, District - Buxar
2. Sarita Devi Wife Of Jamavanta Ray Resident Of Village And P.O. - Mugaon, P.S. - Karansarai, District - Buxar
3. Santosh Rai Son Of Late Tilakdhari Rai Resident Of Village And P.O. - Mugaon, P.S. - Karansarai, District - Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Mahila P.S. Case No. 30 of 2023, registered on 19.06.2023 for the offences under Sections 323, 498A/34 of the Indian Penal Code and Section 3/4 of D.P. Act.

3. As per prosecution case, petitioners who are the mother, brother and sister-in-law of the husband of the informant used to demand dowry and treat the informant with cruelty. Further allegation against the petitioners is that they



made an attempt on the life of informant by strangulating her. The petitioners and co-accused persons continued with their torture and even assaulted the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. Petitioner No.3, brother-in-law of the informant, has been doing a job in a private company in Delhi and he lives separate from the husband of the petitioner. Petitioner No. 1 is the mother-in-law of the informant and she is an old lady. Learned counsel further submits that the allegation made in the FIR is not believable since, even after allegation of making an attempt on life of the informant, the informant continued living in the same house and she was not harmed by the petitioners in any manner. Moreover, there is general and omnibus allegation against the petitioners.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioners are said to be in-laws of the informant and allegations are mostly general and further considering



possibility of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Buxar/concerned court in connection with Mahila P.S. Case No. 30 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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