

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63859 of 2023

Arising Out of PS. Case No.-185 Year-2023 Thana- VAISHALI District- Vaishali

1. Lal Babu Sharma Son Of Devnandan Sharma @ Devnandan Thakur Resident Of Village Daudnagar Po- Daudnagar Ps Vaishali Dist- Vaishali At Hajipur
2. Priyanka Kumari Wife Of Lal Babu Sharma Resident Of Village Daudnagar Po- Daudnagar Ps Vaishali Dist- Vaishali At Hajipur
3. Shyam Babu Sharma Son Of Devnandan Sharma @ Devnandan Thakur Resident Of Village Daudnagar Po- Daudnagar Ps Vaishali Dist- Vaishali At Hajipur
4. Rani Kumari Wife Of Shyam Babu Sharma Resident Of Village Daudnagar Po- Daudnagar Ps Vaishali Dist- Vaishali At Hajipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Sudha Chandra, Advocate
For the Opposite Party/s	:	Mr.Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Rakesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 18-10-2023 Heard learned counsel for the petitioners and the learned APP for the State as also learned counsel for the informant.

2. The petitioners are apprehending their arrest in connection with Vaishali P.S. case No. 185 of 2023 registered for the offence punishable under Sections 498(A), 302, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, it is alleged that the informant received telephonic information that his daughter has



died at her matrimonial home. The F.I.R. contains allegation that the marriage was solemnized 9 years back and the victim was being tortured for non-fulfillment of demand for dowry.

4. The learned counsel for the petitioners submits that having received telephone information on 02.05.2023, as per the averments made in the F.I.R., the same has been lodged on 06.05.2023 and sent to the Court on 07.05.2023. The submission is false implication based only on suspicion. The petitioner Nos. 1 and 3 are the brother-in-law (devar) whereas petitioner Nos. 2 and 4 are gotni of the victim who had no concern with the affairs of the victim with her husband.

5. Learned APP assisted by learned counsel for the informant has opposed the prayer for pre-arrest bail. It is submitted that husband has not been arrested or surrendered till date. He further submits that in the F.I.R., the petitioners are named.

6. Considering the rival submissions, relationship of the petitioners with the victim, the sequence of events leading to lodging of F.I.R. taken note of above and the manner of implication by the informant, based on suspicion, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for



anticipatory bail of the petitioners is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali P.S. case No. 185 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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