

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59629 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- PARASBIGHA District- Jehanabad

1. KAPIL THAKUR Son of Late Rambilash Thakur Resident of Village- Soharaiya, P.S.- Paras Bigha, District- Jehanabad
2. SMT. SHANTI DEVI Wife of Kapil Thakur Resident of Village- Soharaiya, P.S.- Paras Bigha, District- Jehanabad
3. BIPIN THAKUR Son of Kapil Thakur Resident of Village- Soharaiya, P.S.- Paras Bigha, District- Jehanabad
4. SANGITA DEVI Wife of Chandu Thakur Resident of Village- Soharaiya, P.S.- Paras Bigha, District- Jehanabad
5. SHARDA DEVI Wife of Bipin Thakur Resident of Village- Soharaiya, P.S.- Paras Bigha, District- Jehanabad
6. AMRIT THAKUR Son of Kapil Thakur Resident of Village- Soharaiya, P.S.- Paras Bigha, District- Jehanabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60073 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- PARASBIGHA District- Jehanabad

GAUTAM THAKUR Son of Kapil Thakur Resident of Village- Soharaiya, P.S.- Parasbigha, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59629 of 2022)

For the Petitioner/s : Mr.Sunil Srivastava, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP
For the informant : Mr.Bhaskar Shankar, Adv.

(In CRIMINAL MISCELLANEOUS No. 60073 of 2022)

For the Petitioner/s : Mr.Sunil Srivastava, Adv.
For the Opposite Party/s : Mr.Nitya Nand Tiwary,APP
For the informant : Mr.Bhaskar Shankar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER



2 06-02-2023 Heard learned counsel for the petitioners and the State as also the informant.

The petitioners apprehend their arrest in connection with Paras Bigha P.S. Case No. 115 of 2022 instituted under Sections 341, 323, 498A, 504/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

As per the prosecution story, the informant was married to the petitioner, Gautam Thakur in 2004. Later, she was regularly assaulted and tortured for dowry by the family members. Accordingly, the FIR was lodged.

Mr. Sunil Srivastava, learned counsel for the petitioners submits that since Gautam Thakur (Cr. Misc. No. 60073 of 2022) has been arrested, he may be permitted to withdraw the said petition.

As prayed for, Cr. Misc. No. 60073 of 2022 (Gautam Kumar) stands dismissed as withdrawn.

Cr. Misc. No. 59629 of 2022.

So far as petitioner No.1, Kapil Thakur and petitioner No. 2, Shanti Devi are concerned, it has been informed that they too were arrested and subsequently released on bail.

Accordingly, the petition with regard to them also becomes infructuous and dismissed as withdrawn.



Learned counsel for the petitioners submit that so far as the petitioner No. 3, Bipin Thakur, petitioner No. 4, Sangita Devi, petitioner No. 5, Sharda Devi as also petitioner No. 6, Amrit Thakur are concerned, they are 'Bhaisur', 'Gotnis' and 'Dewar' respectively.

The further submission is that they live separately and nothing to do with the affairs of the couple and only because they belong to extended family members, implicated in this case.

Learned counsel for the informant opposes the prayer of bail and submits that allegation of assault is/are against everyone.

Considering the fact that the husband, father-in-law and mother-in-law have already taken route to the bail petitions, these petitioners are 'Bhaisurs', 'Dewar' and 'Gotnis' and they do not have criminal antecedents, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Paras Bigha P.S. Case No. 115 of 2022 to the satisfaction of learned Judicial Magistrate, 1st Class, Jehanabad, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C and with further conditions :

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Ajay Singh/-

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