

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9588 of 2024

Arising Out of PS. Case No.-43 Year-2023 Thana- MAHILA PS District- Jamui

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1. Mintu Kumar Rajak @ Pintu Kumar Rajak S/O Sukhdeo Rajak @ Sukdeo Rajak R/O Village- Dhodha, Ps. Dhamaul, Dist. Nawada.
 2. Sukhdeo Rajak @ Sukdeo Rajak S/O Mahavir Rajak Village- Dhodha, Ps. Dhamaul, Dist. Nawada.
 3. Aasha Devi W/O Sukhdeo Rajak @ Sukdeo Rajak Village- Dhodha, Ps. Dhamaul, Dist. Nawada.
 4. Subham Kumar Rajak @ Subham Rajak S/O Santosh Rajak Village- Dhodha, Ps. Dhamaul, Dist. Nawada.
 5. Santosh Rajak S/O Mahendra Rajak Village- Dhodha, PS. Dhamaul, Dist. Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mausam Kumari D/O Sunil Rajak Resident Of Village- Mahuli, Ps. Khaira, Dist. Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Jamui Mahila P.S. Case No. 43 of 2023 dated 22-05-2023, instituted for the offence punishable under Sections 498(A), 323, 341, 448, 379, 313 and 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

3. The allegation against the petitioners is to commit



cruelty upon informant by raising dowry demand along with other co-accused persons/family members. They have also assaulted and tortured the informant physically and mentally.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that petitioner No.1 is younger brother of the husband of the informant, petitioner nos. 2 and 3 are father-in-law and mother-in-law of the informant respectively, petitioner no. 4 is the nephew of the husband of the informant and petitioner no. 5 is brother-in-law of the informant. The submission is that the petitioners have been implicated on extraneous consideration by virtue of their relationship. It is submitted that the husband of the informant/OP No.2 had filed Matrimonial Case No. 213 of 2022, under Sections 9 of the Hindu Marriage Act on 28-07-2022, before the learned Principal Judge, Nawada, vide order dated 12-10-2022, wherein, notice was issued to OP No.2. It is further submitted that the present case has been lodged after receiving notice of the said case. It is submitted that informant had also filed Maintenance Case No. 2M/2023 before the learned Principal Judge, Family Court, Jamui. Petitioners are stated to be man of clean antecedents.

5. Learned A.P.P. for the State 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 within a period of six weeks from today, in connection with Jamui Mahila P.S. Case No. 43 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM Jamui or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C .

7. The application stands allowed.

(Khatim Reza, J)

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