

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14913 of 2024

Arising Out of PS. Case No.-1056 Year-2023 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Amit Paswan @ Munna son of Ganga Paswan Village- Narayanpur Dedhpura, P.S. Mahanar, District- Vaishali
 2. Gunja Kumari wife of Amit Paswan @ Munna Village- Narayanpur Dedhpura Ps- Mahanar Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar & Anr.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vasant Vikas, Advocate
For the Opposite Party/s :	Ms. Meena Singh, APP
For the Complainant :	Mr. Kaushal Kumar Singh, Advocate
	Mr. Abhishek Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-03-2024 1. Heard learned counsel appearing on behalf of the petitioners, learned Additional Public Prosecutor appearing on behalf of the State and learned counsel appearing on behalf of complainant.

2. The both accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Complaint Case No. 1056/2023, which was initially registered for the offences punishable under Sections 498(A), 406, 323, 354(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. The learned Trial



Court has found a *prima facie* case (cognizance) under Sections 323, 498(A), 504 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. The allegation against both above named petitioners is to commit mental and physical cruelty upon informant in connection with demand of dowry as raised for cash of Rs. 3 lacs and one motorcycle alongwith co-accused persons/family members.

4. Learned counsel appearing on behalf of the petitioners submitted that both above named petitioners are in-laws, where petitioner no.1 is brother-in-law and petitioner no. 2 is sister-in-law i.e. the wife of the petitioner no. 1. It is submitted that allegation *qua* cruelty and raising demand for dowry is very much general and omnibus against petitioners, where similarly situated co-accused persons, who are father-in-law and mother-in-law were granted anticipatory bail by the learned trial court itself. It is submitted that from the bare perusal of the impugned order, it nowhere appears



that petitioners admitted before the trial court regarding having of children of informant with them, rather as a matter of fact, petitioners being elder brother and sister-in-law, living separately much prior to this occurrence and having no connection with daily and domestic affairs of informant and her family.

5. Learned APP, duly assisted by learned counsel Mr. Kaushal Kumar Singh appearing on behalf of the complainant, while opposing the prayer of bail submitted that two minor daughters aged about 7 and 9 years are living with petitioners and despite of repeated directions, they failed to produce both minor children before the court.

6. Considering the aforesaid facts and circumstances, as both petitioners are in-laws *prima facie* living separately with informant and her family, accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are



directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai/concerned Court, where the case is pending in connection with Complaint Case No. 1056/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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