

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18214 of 2024

Arising Out of PS. Case No.-935 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

Sunirka Devi @ Sumitra Devi W/o Late Ram Narayan Singh R/o Vill -
Kesave, P.S. - Barauni O.P. Refinery, Dist. - Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar
 2. Kundan Devi W/o Sri Gopal Kumar Residing at Father Ramsaran Rai,
Village - Sahuri, Ward No. 5, P.S. - Birpur, Dist. - Begusarai
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Ravindra Kumar, learned counsel for

the petitioner and Mr. Bharat Bhushan, learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 935(C) of 2021, for the offences punishable under Sections 323, 498(A) and 504 of the Indian Penal Code.

3. According to prosecution case, petitioner along with others is said to have tortured the complainant as she was sterile and she could not give birth a child. On objection, they also assaulted her.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case merely on the ground that the petitioner is mother-in-law of the complainant. He further submits that from a bare perusal of the complaint petition it appears that there is no specific overt act or demand of dowry is attributed against the petitioner rather general and omnibus allegation against all the accused persons including the petitioner.

5. The learned Additional Public Prosecutor for the State, on the other hand, has opposed the prayer for bail and submits that from a bare perusal of the impugned order itself it is clear that process under Section 82 Cr.P.C. has already been issued against the petitioner by the learned Court below itself. Therefore, this anticipatory bail application is not maintainable.

6. In that view of the matter, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner on that score alone. The anticipatory bail petition stands dismissed as not maintainable in connection with Complaint Case No. 935(C) of 2021 pending in the court of learned Judicial Magistrate, 1st Class, Begusarai.

(Rajesh Kumar Verma, J)

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