

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20960 of 2024

Arising Out of PS. Case No.-1320 Year-2023 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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1. Usha Sahay W/o Late Ashok Sahay Resident of Flat No. 203, Mayuri Heavens, Kaspatewasti, Wakad, P.S.-Wakad, District-Pune, State-Maharastra-411057
 2. Anjali Sahay W/o Roshan Kumar Resident of Flat No. 203, Mayuri Heavens, Kaspatewasti, Wakad, P.S.-Wakad, District-Pune, State-Maharastra-411057
 3. Rajendra Srivastava @ Rajendra Lal Srivastava S/o Late Ramagya Lal Resident of Mathiya Road, Civil Line, Ward No. 14, P.S.-Town, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pooja Kumari @ Puja Sahay D/o Krishna Ranjan Sahay, W/o Ankit Sahay Resident of Mohalla-Maulabag, P.S.-Ara Nawada, District-Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr.Md. Nazir Ansari, APP
For O.P. No. 2	:	Mr. Niraj Kumar Singh, Advocate
		Mr. Radha Krishna, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Complaint Case No. 1320(C) of 2023, filed on 08.08.2023, wherein processes have been directed to be issued after cognizance being taken for the offences under Sections 498A, 323, 406 of the Indian Penal



Code.

3. As per prosecution case, the petitioners who are in-laws of the complainant instigated the husband of the complainant and they also demanded dowry, treated the complainant with cruelty and variously tortured her.

4. Learned counsel for the petitioners submits that the petitioner no. 1 is the mother-in-law and petitioner no. 2 is married sister-in-law (Nanad) of the complainant and petitioner is no. 3 is maternal uncle of the husband of the complainant. They never demanded any dowry, tortured or treated the complainant with cruelty. In fact, the complainant deserted her husband and left her matrimonial house on 26.06.2023 and she was staying in London with her husband and returned to India. Thereafter, she left her matrimonial home with her father. The husband of the complainant has filed matrimonial case under Section 9 of the Hindu Marriage Act for restitution of conjugal rights on 25.08.2023 and despite issuance of notice the complainant has not been appearing in the said case. The petitioners stay at quite distant place from the husband of the complainant and the allegations are general, vague, omnibus, absurd and not believable. The petitioners have got no criminal antecedent.



5. Learned APP as well as learned counsel appearing on behalf of complainant-O.P. No. 2 vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the complainant submits that at the instigation of the petitioners, the husband of the complainant has been treating her with much cruelty and has continuously been torturing her.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioners are stated to be in-laws and further considering the remoteness of allegation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara/concerned court in connection with Complaint Case No. 1320(C) of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.



(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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