

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23383 of 2024

Arising Out of PS. Case No.-980 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Bagedan Devi W/o Shankar Chaudhary, R/o Village - Chhotka Pakrihar, P.S. - Mohania, Dist. - Bhabhua (Kaimur).
 2. Shyambahadur Choudhary S/o Shankar Chaudhary, R/o Village - Chhotka Pakrihar, P.S. - Mohania, Dist. - Bhabhua (Kaimur).
 3. Saroj Devi W/o Shyambahadur Choudhary, R/o Village - Chhotka Pakrihar, P.S. - Mohania, Dist. - Bhabhua (Kaimur).

... .. Petitioners

Versus

1. The State of Bihar.
2. Ruby Devi W/o Late Ravindra Chaudhary, R/o Village - Chhotka Pakrihar, P.S. - Mohania, Dist. - Bhabhua (Kaimur). At present Mohalla - Mangal Akhara, P.S. - Malsalami, Dist. - Patna.

... .. Opposite Party/s

Appearance:

For the Petitioners	:	Mr. Vipin Kumar Singh, Advocate
For the State	:	Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Mr. Vipin Kumar Singh, the learned counsel

for the petitioners, the learned counsel for the complainant and

Ms. Asha Kumari, the learned Additional Public Prosecutor for

the State.

2. The petitioners are apprehending their arrest in

connection with Complaint Case No. 980 of 2015, registered for

the offences punishable under Sections 498(A), 406, 323, 341,

504 and 149 of the Indian Penal Code. However, the learned

trial Court has taken cognizance only under Section 498(A) of



the Indian Penal Code.

3. According to prosecution case, the complainant was subjected to regular torture by her in-laws over demand of money. It is further alleged that after the death of the husband of the complainant, her in-laws ousted her from her matrimonial home.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that marriage of the complainant with the son of petitioner no. 1 was performed in the year 2008 and from 2008 till the filing of the complaint petition, there was no complain against the petitioners. However, after the death of the husband of the complainant, who committed suicide on 07.07.2015, the present false complaint petition has been filed by the complainant against her in-laws and petitioner no. 1 is mother-in-law, petitioner no. 2 is brother-in-law and petitioner no. 3 is sister-in-law of the complainant. He further submits that upon bare perusal of the complaint petition it appears that there is no specific allegation of any assault or overt act or demand of dowry, rather there is general and omnibus allegation against all the accused persons including the petitioners. He lastly submits



that the marriage was performed in the year 2008 and cognizance has been taken in the year 2015, under Section 498(A) of the Indian Penal Code, after more than seven years of marriage.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Patna City, Patna, where the case is pending in connection with **Complaint Case No. 980 of 2015**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without



sufficient reason, their bail bond shall be cancelled by the trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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