

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24762 of 2024

Arising Out of PS. Case No.-743 Year-2023 Thana- HARSIDHI District- East Champaran

1. Binda Sah @ Binda Sha son of Late Bhikhar Sah @ Bhikhari Sah Village- Ghiwadhar Ps- Harsidhi Dist- East Champaran
2. Shobha Devi wife of Binda Sah @ Binda Sha Village- Ghiwadhar Ps- Harsidhi Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kundan Rathore, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Sharma, APP
For the Informant	:	Mr. Abhishek Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Harsidhi P.S. Case No.743 of 2023 instituted under Sections 341, 323, 498(A), 420, 376, 506 and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case, the marriage of the informant was solemnized with the petitioners' elder son ,namely, Late Babu Sah on 07.03.2011, however, he died in the accident in November, 2016. The further allegation is that the petitioners and their family members solemnized the marriage of the informant with their second son, namely, Krishna Sah and



the informant started living conjugal life with him but now they are denying the said marriage and they did not want to keep the informant, tortured her and got aborted her pregnancy also.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He further submits that the petitioners are father-in-law and mother-in-law of the informant and after death of their elder son, the informant was married with their second son who is co-accused Krishna Sah in the year 2017 and they have never tortured the informant as alleged. Learned counsel further submits that two grandson of the petitioners born out of the wedlock of the informant and her late husband who are living with the petitioners and they are giving good education to both of them. The informant herself does not want to live in the matrimonial home and made the false allegation against the petitioners. The petitioners have no criminal antecedent and they undertake to co-operate in the investigation and the trial.

5. Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail submitting that earlier the petitioners have not accepted the marriage of the informant solemnized with the co-accused Krishna Sah.

6. Considering the facts and circumstances of the case



and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari / Concerned Trial Court in connection with Harsidhi P.S. Case No.743 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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