

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28229 of 2024

Arising Out of PS. Case No.-1511 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Kusma Devi Wife of Late Rama Pandit Resident Of Village- Maulaganj Near
Durga Mandir, Kumhartoli, P.S- Laheriyasarai, Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smita Devi Wife Of Sushil Pandit Resident Of at Present D/O Late Bindeshwar Pandit, Mohalla- Veer Kunwar Singh Colony, Kashipur Ward No. 7 P.S- Nagar (Samastipur) Dist- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2024 Heard Mr. Saurav Anand, learned counsel for the
petitioner and Mr. Khurshid Anwar, learned APP for the State.

2. The petitioner is apprehending her arrest connection with C.R. Case No. 1511 of 2022, F.I.R. dated 06.09.2022 registered for the offences punishable under Sections 498(A), 323, 324, 406, 494 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. Allegation against the petitioner is of demand of dowry and torture for non-fulfillment of the same.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and she has been falsely implicated in the present case merely on the ground that the petitioner is mother-in-law of the complainant and the complainant is habitual to file complaint case against the petitioner and their family members. Earlier, the complainant has already filed the Complaint Case bearing C.R. NO. 234 of 2010 under Sections 341, 323, 406, 494, 498(A) of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act but the case was disposed of on the basis of compromise petition between the parties and again the complainant has filed the present case only to harass the petitioner and their family members. He further submits that from perusal of the complaint petition it appears that there is no specific allegation of any assault or overt act or demand of dowry attributed against the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that there is specific allegation against the petitioner that on her provocation the husband of the complainant has demanded dowry from the complainant and apart from that the petitioner carries one more other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that on the basis of compromise the case is disposed of.



6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Samastipur in connection with C.R. Case No. 1511 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. 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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