

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32397 of 2024

Arising Out of PS. Case No.-505 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Jawahir Das @ Jawahar Das, aged about 65 years, Male, son of Late Chalittar Das, R/O Village- Hajpura, P.S.- Jurawanpur, Dist- Vaishali.
 2. Sita Devi, aged about 61 years, Female, wife of Jawahir Das, R/O Village- Hajpura, P.S.- Jurawanpur, Dist- Vaishali.
 3. Sanjeet Das @ Sanjit Kumar, aged about 28 years, Male, son of Jawahir Das, R/O Village- Hajpura, P.S.- Jurawanpur, Dist- Vaishali.

... .. Petitioners

Versus

1. The State of Bihar.
2. Pinku Devi, aged about 28 years, Female, wife of Kailash Das, D/o- Hareram Das, R/O Village- Hajpura, P.S.- Jurawanpur, Dist- Vaishali, A/P- Dumri, P.S.- Patori Mohanpur OP, Dist- Samastipur.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Alok Kumar Alok, Advocate
For the State	:	Mr. Uma Nath Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with C.R. Case No. 505 of 2021, T.R. No. 2081 of 2023 dated 23.03.2021 registered for the offences punishable under Sections 323, 341, 379, 498A, 420, 504/34 of the I.P.C. in which cognizance has been taken under Section 498A/34 of the I.P.C.

3. As per the prosecution case, the petitioners and



other co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfilment of demand of a motorcycle as dowry.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. The petitioners neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner no. 1 is the father-in-law, the petitioner no. 2 is the mother-in-law and the petitioner no. 3 is the brother-in-law (Dewar) of the complainant and they have no concern with the alleged offence. It is further submitted that there is general and omnibus allegation against the petitioners. The petitioners are separate in mess and property from the husband of the opposite party no. 2. Learned counsel for the petitioners has relied upon the judgments of this Court in the case of “*Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in 2006(3) PLJR 182” and in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation and Another* (2022) 10 SCR 351 and *Md. Asfak Alam Vs. The State of Jharkhand & Anr.* passed in *Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023*. Learned counsel for the petitioners has further



submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge-V/cum-A.C.J.M.-II, Samastipur in connection with C.R. Case No. 505 of 2021, T.R. No. 2081 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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