

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32399 of 2024**

Arising Out of PS. Case No.-53 Year-2024 Thana- WARISLIGANJ District- Nawada

1. Indu Kumari, (Female), aged about 32 years, Wife of Jitendra Kumar, R/O Village- Masankhawa, P.S.- Warsaliganj, Dist-Nawada.
2. Rajendra Yadav, (Male), aged about 65 years, Son of Late Bachu Yadav, R/O Village- Masankhawa, P.S.- Warsaliganj, Dist-Nawada.
3. Suwa Devi (Female), aged about 64 years, Wife of Rajendra Yadav, R/O Village- Masankhawa, P.S.- Warsaliganj, Dist-Nawada.
4. Jitendra Kumar (Male), aged about 33 years, Son of Rajendra Yadav, R/O Village- Masankhawa, P.S.- Warsaliganj, Dist-Nawada.
5. Rina Kumari, (Female), aged about 20 years, Daughter of Rajendra Yadav, R/O Village- Masankhawa, P.S.- Warsaliganj, Dist-Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioners : Mr. Arun Kumar, Advocate  
For the Opposite Party : Mrs. Indu Kumari Srivastava, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

2      23-05-2024                      Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application filed on behalf of the petitioner no. 2, namely, Rajendra Yadav, in connection with Warsaliganj P.S. Case No. 53 of 2024, pending in the court of learned Chief Judicial Magistrate, Nawada.

2. Permission is accorded.

3. Accordingly, the anticipatory bail application filed on behalf of the petitioner no. 2, namely, Rajendra Yadav, is dismissed as withdrawn.



4. Heard learned counsel for the petitioner nos. 1 and 3 to 5, learned counsel on behalf of Mr. Deepak Kumar, learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State.

5. The petitioner nos. 1 and 3 to 5 are apprehending their arrest in connection with Warsaliganj P.S. Case No. 53 of 2024 dated 31.01.2024 registered for the offences punishable under Sections 341, 323, 379, 498A, 504, 506/34 of the I.P.C. and Section  $\frac{3}{4}$  of the D.P. Act.

6. As per the prosecution case, the informant was brutally assaulted and abused by using filthy language by the petitioners and the co-accused Rajendra Yadav and attempted to kill her by saying her *Dayan*. The petitioner no. 1 snatched the golden chain worth Rs. 1,00,000/-and the petitioner no. 5 snatched ear-rings of the informant and the petitioner no. 3 snatched her belongings.

7. Learned counsel for the petitioner nos. 1 and 3 to 5 has submitted that they are innocent and have been falsely implicated in this case. They neither demanded any dowry nor tortured the informant. It is further submitted that the petitioner no. 1 is the sister-in-law (elder Gotani), the petitioner no. 3 is the mother-in-law, the petitioner no. 4 is the brother-in-law



(Bhaisur) and the petitioner no. 5 is the unmarried *Nanad* of the informant and they have no concern with the alleged offence. They are separate in mess and property from the husband of the informant. It is further submitted that Nitish Kumar who the husband of the informant has not been made accused in the present case. The informant in her restatement recorded under Section 161 of the Cr.P.C. before the police has stated that her husband Nitish Kumar is also involved and used to abuse her filthy language and she was threatened that if he would be named in the F.I.R. then her brother will be killed. There is general and omnibus allegation against them. Learned counsel for the petitioner nos. 1 and 3 to 5 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 has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner nos. 1, 3 and 5 have clean antecedent and the petitioner no. 4



has three criminal antecedents as stated in paragraph no. 3 of the bail application.

8. Learned A.P.P. for the State and learned counsel on behalf of Mr. Deepak Kumar, learned counsel appearing for the opposite party no. 2 have vehemently opposed the prayer for anticipatory bail of the petitioner nos. 1 and 3 to 5.

9. Considering the aforesaid facts and circumstances of the case, let the above named petitioner nos. 1, 3, 4 and 5 (except petitioner no. 2 Rajendra Yadav), 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 Chief Judicial Magistrate, Nawada in connection with Warsaliganj P.S. Case No. 53 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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