

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38084 of 2024

Arising Out of PS. Case No.-509 Year-2023 Thana- CHANPATIA District- West Champaran

1. Radheshyam Tiwari @ Radhe Shyam Tiwari S/O Late Gopinath Tiwari R/V - Padukiya, P.S. - Chanpatiya, District- West Champaran
2. Sugandhi Devi W/o Radheshyam Tiwari @ Radhe Shyam Tiwari R/V - Padukiya, P.S. - Chanpatiya, District- West Champaran
3. Mithilesh Tiwari @ Vishal Kumar Tiwari S/o Radheshyam Tiwari @ Radhe Shyam Tiwari R/V - Padukiya, P.S. - Chanpatiya, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti @ Pallavi @ Jyoti Tiwari @ Pallavi Tiwari Prince Tiwari (D/o Krishnakant Tiwari) R/v - Padukiya , P.S. - Chanpatiya , District - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Ms.Meena Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-07-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 342, 323, 307, 406, 498A, 504 and 34 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

3. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the instant case by the informant. It is further submitted that though the FIR has



been instituted under Section 307 of the IPC, but then from perusal of allegation as alleged, it would manifest that *prima facie* no offence under Section 307 of the IPC is made out rather the FIR has been instituted under Section 307 of the IPC in order to give a serious colour to the case. It is also submitted that petitioners are father-in-law, mother-in-law and brother-in-law (*devar*) of the informant. It is further submitted that son of petitioner Nos. 1 and 2 got married to the informant in the year 2023 and the marriage was love marriage. It is also submitted that petitioners never objected the marriage rather accepted the informant as their daughter-in-law but then differences arose in between the husband and the informant as such the entire family members came to be implicated with general and omnibus allegation. It is also submitted that whenever any dispute arises in between the husband and the wife, the entire family members are implicated in mechanical manner.

4. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioners, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that in the nature of allegation as alleged, *prima facie*, no offence under Section 307 of the IPC is made



out as it has been submitted by learned counsel for the petitioners that it absolutely does not stand to reason that if the petitioners had any intention of burning the informant in that event whether after pouring *kerosene* oil, they would have allowed her to flee nor the FIR even remotely suggests, who were the neighbours who reached the place of occurrence on alarm which amply demonstrates that only to make the offence graver, the said allegation has been alleged.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chanpatiya P.S. Case No. 509 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

SUMIT/-

U		T	
---	--	---	--

