

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40765 of 2024

Arising Out of PS. Case No.-940 Year-2018 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. Chandani Devi @ Birakhi Devi D/O Bachneshwar Sah, R/O Village- Gosaigaon, P.S- Gopalpur, Distt.- Bhagalpur.
 2. Bachneshwar Sah S/O Late Prithwichandra Sah, R/O Village- Gosaigaon, P.S- Gopalpur, Distt.- Bhagalpur.

... .. Petitioners

Versus

1. The State of Bihar
2. Pinki Devi @ Shyamsati Devi D/O Mrigendra Sah, W/O Pankaj Kumar Sah, R/O Village- Tematha, P.S- Parbatta, Distt.- Khagaria, Mob. No. 8877633665

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Mukesh Kumar, the learned counsel for the petitioners and Mr. Tarkeshwar Nath Thakur, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Khagaria Complaint Case No. 940 C of 2018, dated 12.10.2018 registered for the offences punishable under Sections 323 and 498A of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act. Learned trial Court has taken Cognizance under Sections 323 and 498A of the Indian Penal Code and under Section 3/4 of the Dowry



Prohibition Act.

3. According to the prosecution case, the complainant was subjected to torture and abuse by her in-laws due to non-fulfillment of dowry demand. It is further alleged that the husband of the complainant performed a second marriage with one Chandani Devi (petitioner no. 1) and when the brother of the complainant objected to the same, he was assaulted by the accused persons.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that upon perusal of the complaint petition, it appears that there is no specific allegation of any assault or demand of dowry against these petitioners, in fact, petitioner no. 1 is the second wife of Pankaj Kumar Sah, who happens to be the husband of the complainant and petitioner no. 2 is the father of petitioner no. 1 (father-in-law of Pankaj Kumar Sah). He further submits that complainant has already filed a case bearing Mahila PS Case No. 18 of 2017 against the husband of petitioner no. 1 and both the parties have entered into an agreement and on the basis of that husband of petitioner no. 1, Pankaj Kumar Sah has to pay Rs. 5,000/- (Rupees five thousand) to the complainant as



maintenance amount and husband of petitioner no. 1 has already paid the said amount to the complainant.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and mainly the fact that petitioners have clean antecedent and there is no specific allegation of any assault or overt act or demand of dowry, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Khagaria, where the case is pending in connection with **Khagaria Complaint Case No. 940 C of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two



consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. 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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