

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43041 of 2024

Arising Out of PS. Case No.-437 Year-2020 Thana- LAHERIMUHALLA District- Nalanda

1. Gauri Devi W/O Jeevan Prasad @Jeevan Prasad Baranwal R/O Village Kharadi Gwal Toli Near Mahila College P.S. Laheri, Distt- Nalanda
2. Jeevan Prasad @Jeevan Prasad Baranwal S/O Late Sita Ram Prasad R/O Village Kharadi Gwal Toli Near Mahila College P.S. Laheri, Distt- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari @Soni D/O Late Prabhu Lal R/O Village Jay Mahavir Colony, Road no. 7, Sandalpur, P.S. bahadurpur, Distt-Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey
For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-06-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 376, 354, 313, 498A, 504, 506 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners, being mother-in-law and father-in-law of the O.P. No. 2, have been falsely implicated in the instant case with heinous allegation, it is next submitted that the informant alleges that she was married to the son of the petitioners and after marriage the accused persons



including the petitioners started torturing her for dowry. It is further submitted that mother-in-law abetted the rape of the O.P. No.2 by her husband that is her father-in-law and the brother-in-law also used to act inappropriately with her and one of the brother-in-law namely Golu on promise of marriage intended to establish physical relationship. It is next submitted that after marriage of Chandan Kunal with the informant, the relationship started deteriorating which led Chandan to file divorce case no. 120 of 2020 in the Court of learned Principal Judge Family Court, Nalanda and the learned Family Court granted decree of divorce to the husband, it is next submitted that it has been specifically pleaded at Para-7 of the anticipatory bail application that the informant performed her second marriage with one Chandan Kumar Barnwal at Gaya after she was divorced by Chandan Kunal. It is next submitted that it absolutely does not stand to reason that the mother-in-law would abet the rape of her daughter-in-law by her own husband which amply demonstrates that the case has been instituted only with a view to wreak vengeance.

4. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

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 Laheri P.S. Case No. 437 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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