

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48211 of 2024

Arising Out of PS. Case No.-90 Year-2023 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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1. Arvind Kumar Son of Late Shivdhari Mahto
 2. Sumitri Devi @ Sumitra Devi Wife of Arvind Kumar
Both resident of Vill- Meyar, P.S.- Noor Sarai, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Moni Kangana Wife of Nitish Kumar Resident of Vill- Meyar, P.S.- Noor Sarai, District- Nalanda at present daughter of Ashok Prasad Resident of Vill- Eksara, P.S.- Ven, District- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar No. I, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-08-2024

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for bail apprehending their arrest in connection with Complaint Case no.90C of 2023 registered for the offence punishable under section 498A of the Indian Penal Code.

3. The prosecution case based on the complaint filed by the complainant is that she was married to the son of the petitioners herein on 15.6.2019. Soon thereafter all the accused persons started to make demand of dowry by way of a four wheeled vehicle and Rs.10 lacs in cash and on non-fulfillment of the same she was abused, assaulted and deprived of food. She



was threatened that her husband would be married a second time.

4. Learned counsel for the petitioners submits that the petitioners who are the father-in-law and mother-in-law of the complainant have been falsely implicated in the case. It was much subsequent to filing of the divorce case by the son of the petitioners herein on 4.3.2022 in the Court of the Principal Judge, Family Court, Nalanda which was registered as Divorce Case no.57 of 2022 and a copy of the petition which has been brought on record as Annexure P/2 that the instant complaint was filed on 28.1.2023. The allegations are general and omnibus in nature and the petitioners have no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the complaint against the petitioners herein who happen to be the father-in-law and mother-in-law of the complainant together with the instant complaint having been filed more than ten months after filing of the divorce case by the son of the petitioners herein, the allegations being general and omnibus in nature and the petitioners having no criminal antecedent, it is directed that both



the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no.90C of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Biharsharif, Nalanda, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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