

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55422 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- LAKHNAUR District- Madhubani

1. Amirilal Yadav Son of Late Fusani Yadav R/V- Kiratpur, P.S.- Jamalpur, Dist.- Darbhanga
2. Khusboo Mishra @ Khushboo Kumari Wife Of Mahakant Kumar At Present Resident Of Village- Kiratpur, P.S.- Jamalpur, Dist.- Darbhanga, D/O- Hareram Mishra, Resident Of Village- Rasiyari, P.S- Ghanshyampur, Distt.- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Bharti D/O- Mahkant Kumar Resident Of Vilalge- Belhi, P.S.- Lakhnour, Distt.- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.

For the Opposite Party/s : Ms. Madhubala Verma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 17-12-2024 Heard Mr. Girish Chandra Jha, learned Advocate for the petitioners and Ms. Madhubala Verma, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Lakhnour P.S. Case No. 3 of 2024, registered for the offences punishable under Sections 498A, 494, 341, 323, 313, 354(B), 379, 504, 34 of the Indian Penal Code.

3. Allegedly the marriage of the son of petitioner no. 1 was solemnised with the informant on 03.03.2019. At the time of marriage, sufficient dowry was given, nonetheless the victim



was subjected to torture on account of non-fulfillment of four-wheeler and some more amount. It is also alleged that on 22.04.2023, all the accused persons sprinkled the kerosene oil over her body and tried to set her ablaze but somehow she survived. Thereafter on 29.12.2023, all the accused persons ousted the informant from her matrimonial home after snatching her valuables. There is some other allegation in the FIR.

4. Learned Advocate for the petitioners contended that in fact the petitioner no. 1 is the father-in-law, whereas petitioner no. 2 is the alleged second wife of the husband of the informant. There is omnibus nature of allegation against all together 11 family members. So far as the specific allegation of pouring kerosene oil and administering medicine resulting into abortion is concerned, the same has been levelled against the husband of the informant. It is further contended that prior to institution of the present case, the son of petitioner no. 1 had filed divorce case bearing Matrimonial Case No. 191 of 2022, which is pending consideration before the Principal Judge, Family Court, Darbhanga and the present case is nothing but a counter blast to the divorce case.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that there



is specific allegation against these two persons, who have actively participated in the crime of demand of dowry and torture.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that prior to institution of the present case, there has already been a matrimonial case for divorce; moreover the petitioner no. 1 is the father-in-law whereas petitioner no. 2 is the alleged second wife of the husband of the informant, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Jhanjharpur, Madhubani in connection with Lakhnour P.S. Case No. 3 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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