

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57419 of 2024

Arising Out of PS. Case No.-285 Year-2023 Thana- COMPLAINT CASE District- Sheohar

1. Upendra Sahni Son of Late Vindeshwar Sahni R/o village-Tajpur, P.S- Tariyani Chhapra, District- Sheohar
2. Sunita Devi Wife of Upendra Sahni R/o village- Tajpur, P.S- Tariyani Chhapra, District- Sheohar
3. Pintu Kumar Son of Upendra Sahni R/o village- Tajpur, P.S- Tariyani Chhapra, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Adv.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Complaint Case No. 285 of 2023 dated 22-09-2023 instituted for the offence punishable under Sections 323, 341, 376, 498A and 504 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Allegation in the complaint petition is that the marriage of the complainant was solemnized with the co-accused Guddu Sahni on 07-05-2023 according to Hindu rites and rituals and after the marriage, *vidagiri* was performed and



she went to her matrimonial home. It is further alleged that after five days of her marriage, petitioners started demanding one lakh cash as dowry and due to non- fulfillment of dowry demand, petitioners tortured her by various means. It is further stated that within one month of marriage, the husband of the complainant died after falling down from the train and soon after performance of his last rite, the in-laws of the complainant assured her to get her marriage solemnized with their younger son and on the basis of said false promise of marriage, the complainant was sexually exploited by petitioner No.3. It is further alleged that when the complainant informed the matter to her parent, they tried to negotiate the matter with her in-laws. Lastly, they forcibly ousted her from the matrimonial house on 20-09-2023.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. The complaint case has been filed under Sections 323, 341, 376, 498A, 504 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, but the learned Magistrate has taken cognizance only under Sections 498A and 417 of the IPC. It is submitted that petitioner Nos.1, 2 and 3 are father-in-law, mother-in-law and brother-in-law of the complainant



respectively. It is next highlighted that the ingredient of Section 376 IPC is not attracted in the instant case as the Magistrate has not taken cognizance under the said Section. It is submitted that after the accidental death of husband of the complainant, she pressurized the in-laws to marry her with petitioner No.3, but the in-laws i.e., petitioner Nos. 1 and 2 refused to marry her with their younger son, namely, Pintu Kumar (petitioner No.3). It is submitted that there is no allegation against petitioner Nos. 1 and 2 rather the allegation is general and omnibus. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. Learned A.P.P. as well as learned counsel for the complainant have vehemently opposed the prayer for bail of the petitioners. It is submitted that there is specific allegation against petitioner No.3 of establishing physical relation with the complainant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Complaint Case No. 285 of 2023, petitioners shall be released on anticipatory bail 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 J. M. 1st Class, Sheohar, subject to condition as
laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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