

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58954 of 2024

Arising Out of PS. Case No.-893 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

1.

Mamta Prasad, Wife Of Birendra Prasad R/O - Flat No. 1401, Tower G 10, Nirala Greenshire, Plot No. Gh 03, Sector-2, Greater Noida, Ps- Greater Noida, Dist- Noida U.P.
2.

Birendra Prasad @ Birendra Kumar Prasad, Son Of Late Dev Nandan Prasad R/O - Flat No. 1401, Tower G 10, Nirala Greenshire, Plot No. Gh 03, Sector-2, Greater Noida, Ps- .greater Noida, Dist- Noida U.P
3.

Sweta Sinha @ Kumari Sweta, Wife Of Nilesh Sinha @ Nilesh Kumar Sinha R/O - Flat No. 1401, Tower G 10, Nirala Greenshire, Plot No. Gh 03, Sector-2, Greater Noida, Ps- Greater Noida, Dist- Noida, U.P.

... .. Petitioner/s

Versus

1.

The State Of Bihar
2.

Smt Jyoti Srivastava, Wife Of Akash Kumar Prasad @ Akash Prasad, D/O Vijay Kumar Village- Baulia Road, Mata Transport Gali, Ps- Sasaram (T), Dist- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2

28-08-2024

1.

Heard learned counsel for the petitioners and learned APP for the State.

2.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 498(A) of the Indian Penal Code.

3.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and



have been falsely implicated in the instant case being mother in-law, father in-law and married sister in-law of the complainant.

4. It is next submitted that the learned Additional Sessions Judge-VIII, Rohtas at Sasaram rejected the anticipatory bail application of the petitioners being aggrieved by the fact that a submission was made by the learned lawyer when their case was taken up that anticipatory bail application of the husband was withdrawn when A.B.P. No.2763 of 2023 filed by the husband was disposed of on merits, as such, the learned Court considering the said submission to be concealment of fact rejected the anticipatory bail application. The learned counsel next submits that the husband of the informant had filed A.B.P. No.2763 of 2023, which was disposed of by an order dated 12.12.2023. Thereafter, he again filed A.B.P. No.2765 of 2023 and the same was permitted to be withdrawn, as such, it appears that under some confusion, a submission was made that the husband of the complainant had withdrawn his anticipatory bail application without bringing to the notice



of the Court that A.B.P. No.2763 of 2023 was disposed of on merits. It is submitted that it appears that the learned Advocate inadvertently made the said submission without realizing the gravity of the same. It is also submitted that the issue is matrimonial and the dispute is in between the husband and the wife. It is next submitted that whenever any dispute arises in between the husband and the wife, the entire family members are implicated in a mechanical manner with general, omnibus and ornamental allegation and in the present case, the married sister in-law, who resides at Greater Noida has also been implicated. It is next submitted that from perusal of the allegation as alleged in the complainant, it would manifest that the allegation of demand of dowry and torture against the petitioner is general and omnibus in nature.

5. Learned A.P.P. opposes the anticipatory bail application.

6. 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 Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Rohtas at Sasaram in connection with Complaint Case No.893 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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