

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60357 of 2023

Arising Out of PS. Case No.-530 Year-2021 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Lakho Devi, Wife Of Shyam Sundar Sharma Village- Bhelahi Ratanpatti
W.No-7, Ps- Murliganj Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Sita Kumari wife of Suman Kumar @ Bablu, D/o- Anil Sharma Village-
Bhelahi Ratanpatti W.NO-7, Ps- Murliganj Dist- Madhepura
- Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar
		Mr. Binod Kumar Sinha
For the Opposite Party/s :		Mr. Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 23-02-2024 1. Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in anticipation of her

arrest in a case registered for the offences punishable under

Sections 323, 352 and 498A of the Indian Penal Code.

3. The learned counsel for the petitioner submits

that petitioner, being mother in-law, has been falsely

implicated in the present case. It is next submitted that from

perusal of the office report dated 21.02.2024, it would

manifest that opposite party no.2 refused to accept the

notice.



4. Since the opposite party no.2 refused to accept the notice, as such, the same is deemed to have been validly served.

5. The learned counsel for the petitioner submits that since the petitioner, being mother in-law, has been falsely implicated in the present case, as such, it appears that the opposite party no.2, despite receiving notice, chooses not to contest. It is also submitted that the allegation against the petitioner is general and omnibus in nature and the husband of the opposite party no.2 has also filed an application before the learned District Court seeking anticipatory bail.

6. Learned A.P.P. opposes the anticipatory bail application of the petitioner and submits that though it has been submitted that husband of the opposite party no.2 has filed an application seeking anticipatory bail application before the learned District Court, but then, the same has not been pleaded in the present anticipatory bail application, nor number of the A.B.P. has been provided by the learned counsel appearing on behalf of the petitioner, on which the



learned counsel for the petitioner Mr. Ashok Kumar submits that he has instruction of the learned lawyer representing the accused persons in the case before the learned District Court that he has filed an anticipatory bail application before the learned District Court of the husband of the opposite party no.2.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of Sri Dinesh Mani Tripathi, the learned Judicial Magistrate, 1st Class, Madhepura in connection with Complaint Case No.530 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

9. However, it is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall



verify whether Suman Kumar @ Babloo, the husband of the opposite party no.2, has filed an anticipatory bail application before the learned District Court or not and in the event, if it is found that no anticipatory bail application on behalf of the husband of opposite party no.2 has been filed, till date, in that event, the bail bonds of the petitioner shall not be accepted.

(Satyavrat Verma, J)

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