

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62192 of 2024

Arising Out of PS. Case No.-170 Year-2019 Thana- SHAMBHUGANJ District- Banka

1. Mungo Devi @ Munga Devi W/o Late Kamleshwari Mandal Resident of Gram- Kehnichak, P.S.- Shambhuganj, District- Banka.
2. Diwakar Mandal S/o Late Kamleshwari Mandal Resident of Gram- Kehnichak, P.S.- Shambhuganj, District- Banka.
3. Shashikala Devi W/o Diwakar Mandal Resident of Gram- Kehnichak, P.S.- Shambhuganj, District- Banka.
4. Baby Devi W/o Vivakar Mandal Resident of Gram- Kehnichak, P.S.- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shweta, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-10-2024 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Shambhuganj Police Station Case No. 170 of 2019, disclosing offences under Sections 498A, 363, 506 and 34 of the Indian Penal Code.

3. As per the First Information Report, the informant solemnized marriage of his daughter, namely, Nibha Devi, with one Pasuram Mandal ten years ago and out of their wedlock, two children were born, namely, Nikesh Kumar and



Nikki Kumari, who are aged about 14 years and 12 years respectively. It has further been alleged that on 15.07.2019, the grandson of the informant, along with his cousin, informed that his mother fled away with some other person, but neither the name nor the mobile number of the person were disclosed. The informant has raised suspicion against the petitioners and others.

4. Learned Counsel for the petitioners submit that the husband of the victim lady has not been made accused. From the perusal of the FIR, it would be evident that the victim had eloped with some other person. During the course of investigation and on the basis of mobile number of the victim, the police arrived at the conclusion that the victim was talking with one Sunil Kumar (non-FIR accused). The said Sunil Kumar has been granted regular bail by a Bench of this Court in Cr. Misc. No. 79451 of 2019 on 04.12.2019. Learned counsel further submits that petitioner no. 1 is mother-in-law and petitioner nos. 2, 3 and 4 are bhaisur, gotni and other family members. He further submits that the police has submitted charge-sheet only against said Sunil Kumar and the investigation against the petitioners is still pending.

5. Earlier the petitioners were not having any apprehension of arrest, however, the police has now, started



searching the petitioners.

7. Regards being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation made in the FIR and the fact that the victim used to talk with one Sunil Kumar, who has been granted regular bail, I am inclined to grant the petitioners privilege of anticipatory bail

8. This application is, accordingly, allowed.

9. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Class, Banka in connection with Shambhuganj Police Station Case No. 170 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J.)

Jyoti Kumari/-

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