

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69951 of 2024

Arising Out of PS. Case No.-176 Year-2024 Thana- KOTWA District- East Champaran

1. Uma Devi Wife of Rajdev Sahani R/O Vill.- Badaharawa Kala, P.S.- Kotwa, Dist.- East Champaran
2. Rajdev Sahani Son of Late Satyanarayan Sahani R/O Vill.- Badaharawa Kala, P.S.- Kotwa, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharad Kumar Verma, Advocate Mr. Abhishek Kumar
For the Opposite Party/s	:	Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-11-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Kotwa P.S. Case No. 176 of 2024 dated 21.06.2024 registered under Sections 341, 323, 498A, 376, 120(B), 504, 506, 34 of the I.P.C.

3. As per the F.I.R. after the death of the husband of the informant, her in-laws subjected her to cruelty due to non fulfillment of demand of dowry of Rs. 2,00,000/-. Her father tried to settle the matter and came to the Sasural of the informant where the petitioners and other family members of the informant abused him due to which the informant returned to her maternal home with her father. Thereafter, her father-in-



law and some other persons came to her parental home and insisted her to marry with the brother of her deceased husband namely, Dharmendra Sahani. Both sides agreed for that and the informant went to her Sasural where her devar - Dharmendra Sahani started making physical relation with her forcibly and when she pressurized him for solemnization of marriage he refused.

4. Learned counsel for the petitioners submits that petitioners are quite innocent and they have not committed any offence in the manner alleged. The petitioner no. 1 is the mother-in-law and the petitioner no. 2 is the father-in-law of the informant. The allegation of committing rape on the promise of solemnization of marriage is specific against Dharmendra Sahani. The petitioners have neither demanded dowry nor did they subject the informant to cruelty in any manner whatsoever. The petitioners have got no criminal antecedent.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail.

6. Regard being had to submission made by parties, taking into consideration the fact that petitioners are the old mother-in-law & father-in-law and allegation against petitioners is general and omnibus in nature, I am inclined to grant anticipatory bail to



the petitioners.

7. 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/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of 10th Additional Chief Judicial Magistrate, Motihari, East Champaran in connection with Kotwa P.S. Case No. 176 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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