

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73061 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- MAHILA P.S. District- Lakhisarai

1. Kailash Prasad Sah @ Kailash Sao son of Late Jagdish Sao Village- Bangalwa, PS- Ladaiyatar, Dist- Munger
2. Antosh Kumar son of Kailash Sao Village- Bangalwa, PS- Ladaiyatar, Dist- Munger
3. Barun Kumar @ Varun Kumar Son of Kailash Sao Village- Bangalwa, PS- Ladaiyatar, Dist- Munger
4. Manoj Sao @ Manoj Sah @ Ram Prasad Kumar @ Ram Prasad Sao son of Vishnudeo Sao Village- Bangalwa, PS- Ladaiyatar, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners apprehend their arrest in connection with
Mahila P.S. Case No.33 of 2024 instituted under Sections 354B,
341, 323, 504, 506/34 of the I.P.C.

3. As per prosecution case, while the informant (wife of
petitioner no.3) along with her brother and mother, on a
motorcycle, was going to Ashokadham for worship, the F.I.R.
named accused persons including petitioners stopped them and
started beating the informant and her brother with fists and tore



the clothes of the informant and thereafter the accused persons fled away.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case only for harassing the petitioners. He further submits that the informant earlier lodged the F.I.R. being Kawaiya P.S. Case No.34 of 2023 for the offences punishable under Sections 498A of the I.P.C. and $\frac{3}{4}$ of the Dowry Prohibition Act against the petitioners. Another case being Kawaiya P.S. Case No.12 of 2024 has also been lodged by the informant against petitioner nos.1 and 2. It is further submitted that petitioner no.1 is father-in-law, petitioner no.2 is *devar* (brother-in-law), petitioner no.3 is the husband and petitioner no.4 is cousin *devar* of the informant. There is no specific allegation of abusing, assaulting and threatening the informant for withdrawal of previous case. Petitioners have two criminal antecedents, as stated above, lodged by the informant in which the petitioners are on bail. The petitioners undertake to cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event



of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Lakhisarai in connection with Mahila P.S. Case No.33 of 2024, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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