

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9324 of 2024

Arising Out of PS. Case No.-52 Year-2022 Thana- TAJPUR District- Samastipur

1. Mithlesh Devi @ Mithilesh Devi Wife Of Late Raghunath Ray, Resident Of Village Bherokhra P S Tajpur, District Samastipur
2. Prakash Kumar Son Of Late Raghunath Ray Resident Of Village Bherokhra P S Tajpur, District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh, Advocate Mr. Pravin Kumar, Advocate
For the Opposite Party/s	:	Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Tajpur P.S. Case No. 52 of 2022 dated 06.02.2022 instituted for the offence punishable under Sections 323, 324, 325, 498A, 120(B), 364, 304B, 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The informant has alleged against the petitioners and their family members that his daughter has been disappeared from the matrimonial home on account of non-fulfillment of the demand of dowry. The same is preceded by allegations of torture and assault by all the in-laws.



4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioner no. 1 is the mother-in-law and petitioner no. 2 is the brother-in-law of the victim. Learned counsel for the petitioners further submits that victim is alive who appeared before learned Judicial Magistrate on 29.03.2023 where her statement under Section 164 of the Code of Criminal Procedure has been recorded. During the course of investigation, the police has found case under Section 498A, 364/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. Learned counsel for the petitioners submits that the husband of the victim Puja Kumari and the daughter of the informant were residing at Bangalore and there was love affairs between them. Thereafter they got married. But son of the informant, namely, Vikky Kumar protested the marriage of his sister, who was residing at Bhopal. He called Puja Kumari, thereafter she left the petitioner's house without consent of her husband, which is evident from C.C.T.V. camera footage dated 18.02.2021. It is also submitted that Vikash Kumar has filed an informatory petition before learned Sub-Divisional Magistrate, Samastipur on 08.07.2021 stating therein that there is a threat of murder of his wife, namely, Puja Kumari



and implicate him in a false case. Learned counsel for the petitioner further submits that since victim Puja Kumar is alive, as such, no case is made out under Section 304B of the Indian Penal Code. Lastly, it has been submitted that petitioners have one criminal case against them which has been lodged by the wife of the informant, namely, Sunita Devi.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Tajpur P.S. Case No. 52 of 2022, they shall be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Samastipur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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