

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7982 of 2025

Arising Out of PS. Case No.-100 Year-2023 Thana- MAHILA P.S. District- Lakhisarai

1. Bala Devi @ Bala Kumari @ Srimati Bala Devi W/o Jagannath Rajak, R/o Village- Islamnagar (Aliganj), Ward No.8, P.S.- Chandradeep, Dist- Jamui
2. Jagannath Rajak S/o Dukhi Rajak @ Late Dukhi Rajak, R/o Village- Islamnagar (Aliganj), Ward No.8, P.S.- Chandradeep, Dist- Jamui

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Diwakar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mahila P.S. Case No. 100 of 2023, dated 14.10.2023, in a case registered for the offences punishable under Sections 341, 323, 498(A), 307, 379, 504 and 506 read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the petitioners and other co-accused persons are alleged to have tortured and abused the informant mentally and physically due to non-fulfillment of demand of Rs. 5,00,000/- as dowry.

4. Learned counsel for the petitioners has submitted



that the petitioners are innocent and have falsely been implicated in this case. Petitioner no. 1 is the mother-in-law and petitioner no. 2 is the father-in-law of the informant. Petitioners live separately from the informant and her husband in means and property. There is no specific allegation against the petitioners, rather the allegations are general and omnibus in nature. The husband of the deceased has been granted regular bail by this Court *vide* order dated 06.05.2024 passed in Cr. Misc. No. 31827 of 2024. The petitioners have relied upon the judgment of this Court in the case of ***“Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.”*** Learned counsel has further submitted that Section 498 A of the the Indian Penal Code is triable by the Magistrate. Learned counsel has further relied on the judgements in the case of ***Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351*** and ***Md. Asfak Alam Vs. The State of Jharkhand & Another*** passed in **Criminal Appeal No (s). 2207 of 2023** arising out of **Special Leave Petition (CRL.) No. 3433 of 2023**. The petitioner no. 1 has clean antecedent and petitioner no. 2 has two criminal antecedents as stated in paragraph no. 3 of the bail petition.

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



6. Considering the aforesaid facts and circumstances of the case, let the petitioners, above-named, in the event of their arrest / surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai, in connection with **Mahila P.S. Case No. 100 of 2023**, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, on further conditions:

(I) The petitioner no. 2 is directed to remain physically present before the learned trial Court on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner no. 2 is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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