

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19045 of 2025

Arising Out of PS. Case No.-44 Year-2024 Thana- MAHILA PS District- East Champaran

1. BASANTI DEVI W/o- Bsu Prasad @ Basu Sah Village- Shantipuri Ps- Town Dist- East Champaran
2. Basu Sah @ Basu Prasad S/o- Late Brij Sah Village- Shantipuri Ps- Town Dist- East Champaran
3. Raju Sah @ Raju Prasad s/o- Basu Prasad @ Basu Sah Village- Shantipuri Ps- Town Dist- East Champaran
4. Raj Kumari Devi W/o- Raju Sah @ Raju Prasad Village- Shantipuri Ps- Town Dist- East Champaran
5. Sonu Sah @ Prakash Kumar S/o- Raju Sah @ Raju Prasad Village- Shantipuri Ps- Town Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ruksaar Khatoon D/o- Late Jahir Miya Village- Shantipuri Ps- Won Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-05-2025 Heard learned Counsel for the petitioner, learned counsel for the O.P. No.2 and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 127(1), 115(2), 85, 64, 89, 79, 352, 351(2), 3(5) of the B.N.S. and Section 3/4 of the Dowry Prohibition Act.

3. By an earlier order dated 28.03.2025, it was



observed that the possibility of an amicable settlement between the husband and wife would be explored. Today, it has been submitted by learned counsels appearing for both the sides that at this stage, the settlement between the parties is not taking any shape and hence, the matter is being heard on merits.

4. However, it has been submitted by learned counsel for the petitioner that the husband of the informant Pradeep Sah alias Golu, has also filed his anticipatory bail application wherein the question of settlement can be considered.

5. The case is one under Section 85 of the B.N.S./498A of the Indian Penal Code and the petitioners are grandmother-in-law, grandfather-in-law, father-in-law, mother-in-law, and brother-in-law of the informant. It has been stated that the petitioners are living separately since long and the thrust of the allegation is against husband of the informant, Pradeep Sah alias Golu, who gave medicines to the informant to cause her abortion. However, so far as these petitioners are concerned, it has only been stated that they were supporting the husband in the offence and were thus causing torture to the informant. The application is vehemently opposed by learned APP for the State as well as learned counsel for OP No. 2. A supplementary affidavit has also been filed on behalf of the petitioners to bring



on record the fact that the affidavit filed by the husband Pradeep Sah, wherein he has stated that he has married outside his religion out of his own will and he is now separated from his parents and family members.

6. Learned APP for the State opposes the prayer for anticipatory bail application.

7. Taking into consideration the fact that the petitioners are all in-laws of the informant, let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Rape and Pocco Cases) District and Addl. Sessions Judge, East Champaran, Motihari, in connection with Mahila P.S. Case No.44 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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