

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19588 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Narad Jaiswal @ Narad Sah S/o Late Saraju Jaiswal Resident of Mohania, Ward No. 9, P.S.- Mohania, District- Kaimur at Bhabua.
2. Daulati Devi wife of Narad Jaiswal Resident of Mohania, Ward No. 9, P.S.- Mohania, District- Kaimur at Bhabua.
3. Seema Kumari D/o Narad Jaiswal, W/o Manoj Jaiswal R/o Machhali Bazar, P.S.- Jaunpur, District- Jaunpur (U.P).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudaha Kumari wife of Rajesh Jaiswal R/o Mohania, Ward No. 9. P.S. Mohania, District Kaimur at Bhabua, at present reside with her father namely Raghubar Dayal Jaiswal, R/o Shri Krishna Bihar Colony, Road No. 4(A) Arura Awas, Patna - 800002

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2025 Heard Mr. Tribhuwan Narayan, learned counsel for the petitioners as well as Mr. Madan Kumar, learned Additional Public Prosecutor for the State and learned counsel for the informant.

2. The petitioners are apprehending their arrest in connection with Mohania P.S. Case No. 42 of 2025, F.I.R. dated 21.01.2025 for the offences punishable under Sections 126(2), 115(2), 303(2), 85, 351(2), 351(3), 352 and 3(5) of the B.N.S.

3. According to prosecution case, on the demand of



dowry the petitioners assaulted the informant. The informant also alleged that her husband poured petrol upon her in order to burn her.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that in fact, the informant has performed the marriage with the son of the petitioner nos. 1 and 2 on 14.12.2024 and the son of the petitioner nos. 1 and 2, who happens to be the husband of the informant has filed a divorce case bearing Matrimonial Case No. 03 of 2025 in the Court of Principal Judge Family Court, Kaimur at Bhabua for declaration of the marriage void on the ground that the informant was already married and she has performed the marriage with one Pursotam Agarwal in Varanasi before the present marriage and thereafter the informant has filed the present F.I.R. on 21.01.2025. He further submits that petitioner no. 1 is father-in-law, petitioner no. 2 is mother-in-law and petitioner no. 3 is married sister-in-law of the informant.

5. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, that the son of the petitioner nos. 1 and 2 has already filed a divorce case against the informant on 02.01.2025, thereafter the present F.I.R. has been instituted by the informant, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Mohania, Kaimur in connection with Mohania P.S. Case No. 42 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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