

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23057 of 2025

Arising Out of PS. Case No.-226 Year-2024 Thana- RAJEPUR District- East Champaran

1. Kamlesh Kumar @ Kamlesh Kumar Yadav Son of Ramchandra Prasad Yadav village - Narwara , P. S - Tariyani, District - Sheohar
2. Ramchandra Prasad Yadav @ Ramchandra Ray Son of Late Devnath Ray village - Narwara , P. S - Tariyani, District - Sheohar
3. Ramsanehi Devi Wife of Ramchandra Prasad Yadav village - Narwara , P. S - Tariyani, District - Sheohar
4. Usha Devi wife of Kamlesh Kumar @ Kamlesh Kumar Yadav village - Narwara , P. S - Tariyani, District - Sheohar
5. Rinku Kumari Daughter of Ramchandra Prasad Yadav village - Narwara , P. S - Tariyani, District - Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Archana Kumari wife of Nitesh Yadav village- Hanumannagar, Post- Narha Panapur, Ps- Rajepur, Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar,Advocate
For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-05-2025 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their in connection with Rajepur P.S. Case no.226 of 2024 registered under Sections 126, 115(2), 109, 74, 85, 352 and 3(5) of the B.N.S Act, 2023 and Section $\frac{3}{4}$ of the D.P. Act.

3. As per the prosecution case, the informant states that she married with Nitesh Yadav in the year 2020. After some



days of marriage, the husband of the informant including the petitioners herein started to assault the informant mentally and physically on account of non-fulfillment of demand of dowry and ousted from her matrimonial house.

4. By order dated 01.05.2025, both the parties were directed to appear before this Court for the purpose of resolving their matrimonial dispute. However, today, opposite party no.2 has appeared but her husband Nitesh Yadav has not appeared before this Court.

5. It is submitted by learned counsel for the petitioners that petitioner nos. 1 and 4 are the brother-in-law and the sister-in-law of the informant and petitioner nos. 2 and 3 are the father-in-law and the mother-in-law of the informant. The petitioners are not in touch with the said Nitesh Yadav and he has not got any protection from any Court and in this respect also Nitesh Yadav may have not appeared under fear of apprehension. There is general and omnibus allegation leveled against them in the F.I.R with regard to demand of dowry and torture. It has further been submitted that while the father-in-law and mother-in-law are residing in their native village in Bihar and the other petitioners are staying separately and have no concern with the day to day affairs of the informant and her



husband Nitesh Yadav. The specific allegation is upon Nitesh Yadav that he had tried to press the neck of the informant and thereafter, the informant went to her parents home. The entire cause of action has taken place at Delhi where they were staying together but no case was filed at Delhi by the informant but instead the present case was filed at East Champaran. The petitioners have no criminal antecedent and undertake to co-operate in case/trial.

6. Learned counsel for the petitioners submits that the present order was not communicated to the husband Nitesh Yadav as the petitioners are not in touch with him and hence, the same may not be considered as a deliberate disobedience of the order of this Court.

7. The application for bail is opposed by learned APP for the State by stating that all these petitioners are instrumental in causing demand of dowry and torture upon the informant.

8. Taking into consideration the fact that the petitioners are the in-laws who have been made accused in the present case and it is Nitesh Yadav, husband of the informant who is primarily responsible for the welfare of his wife, it is directed that the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a



period of four weeks, be released on anticipatory bail in connection with Rajepur P.S. Case no.226 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari, 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.

9. It is however taken note that despite a judicial order of this Court, asking for the presence of Nitesh Yadav, husband of the informant, he has neither appeared himself nor has he filed any anticipatory bail application or has sought any protection from any Court for making an appearance before the Court.

10. In such view of the matter, the Superintendent of Police, East Champaran at Motihari is directed to secure the presence of Nitesh Yadav in the case either by sending a notice under Section 41A of the Cr.P.C or taking recourse to other remedies in accordance with law.

11. Let a copy of this order be communicated to the the Superintendent of Police, East Champaran at Motihari for its due compliance through the Investigating Officer.



12. The application stands disposed of.

(Soni Shrivastava, J)

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