

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 66662 of 2024

Arising Out of PS. Case No.-575 Year-2022 Thana- SIWAN COMPLAINT CASE District-
Siwan

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1. Sudama Divedi Son of Sahadeo Dwivedi Resident of Village- Brahmasthan, P.S.- Bhagwanpur Hat, Distt.- Siwan
 2. Rita Divedi @ Rita Devi Wife of Sudama Divedi Resident of Village- Brahmasthan, P.S.- Bhagwanpur Hat, Distt.- Siwan
 3. Brajendra Kumar Divedi @ Brajendra Divedi @ Pappu Divedi Son of Sudama Divedi Resident of Village- Brahmasthan, P.S.- Bhagwanpur Hat, Distt.- Siwan
 4. Prabhat @ Sonu @ Prabhat Navin Son of Sudama Divedi Resident of Village- Brahmasthan, P.S.- Bhagwanpur Hat, Distt.- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Supriya Kumari D/O-Gautam Tiwari Resident of Village- Basantpur, P.S.- Basantpur, Distt.- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-01-2025 Heard the parties.

2. The petitioners are in-laws persons, who are apprehending their arrest in connection with Siwan Complaint Case No. 575 of 2022, wherein the learned Jurisdictional Court has taken cognizance for the offences punishable under Sections 323, 498A, 354, 379 and 34 of the Indian Penal Code.

3. Allegedly, the marriage of the complainant was solemnized on 23.05.2014 with co-accused Krishna Devedi @

Guddu Divedi. After the marriage she was subjected to demand of dowry and on account of non-fulfillment of the same she was tortured in various ways. It is further contended that lastly on 21.02.2017 all the accused persons abused and ousted her from the matrimonial home, after snatching all her belongings.

4. Learned counsel appearing on behalf of the petitioner drawing the attention of this Court to the Complaint Case has contended that the complainant herself admitted that she was ousted from her matrimonial home on 21.02.2017, but the present complaint has been filed on 04.04.2022. The petitioners are none else but the in-laws persons. Moreover, in a solemn affirmation on a query made by the Court, she has made allegation only against the husband with a categorical assertion that she is not ready and willing to go to her matrimonial home and she wants only maintenance from her husband. It is lastly contended that the institution of the FIR at this belated stage with omnibus allegation does not inspire confidence.

5. On the other hand, learned counsel for the State opposed the bail application and submits that in fact, the petitioners are the persons, who have instigated the husband which resulted into demand of dowry and torture.

6. Regard being had to the submissions made on

behalf of the parties and considering the delay in lodging of the Complaint Case, coupled with the fact that the petitioners are in-laws persons, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.5,000/- (five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Siwan, in connection with Siwan Complaint P.S. Case No. 575 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J.)

Jyoti Kumari/-

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