

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67844 of 2024

Arising Out of PS. Case No.-700 Year-2023 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. Sri Prasad @ Shree Prasad Singh S/O Late Mahabir Singh, Resident of Village- Jamuawan, P.S -Kadirganj, Distt.- Nawada. Presently residing at WZ- 148 Block Jhuggi Bihari Colony Todapur Village, P.S- Indrapuri, New Delhi-110012.
 2. Mina Devi W/O Sri Prasad @ Shree Prasad Singh Resident Of Village- Jamuawan, P.S -Kadirganj, Distt.- Nawada. Presently residing at WZ- 148 Block Jhuggi Bihari Colony Todapur Village, P.S- Indrapuri, New Delhi-110012.

... .. Petitioners

Versus

1. The State of Bihar.
2. Soni Kumari W/O Diwakar Singh, D/O Late Mundrika Singh Resident Of Village- Jamuawan, P.S -Nawada (Kadirganj O.P), Distt.- Nawada. At Present Resident of Village- Daulatpura, P.S- Sitamarhi (Narhat), Distt.- Nawada.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025 Heard Mr. Vibhuti Ranjan Sonvadra, the learned counsel for the petitioners, the learned counsel appearing on behalf of complainant and Mr. Md. Mushtaque Alam, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 700 of 2023, registered for the offences punishable under Sections 323, 379, 498(A), 504 and 506 of the Indian Penal Code and under Section 3/4 of the



Dowry Prohibition Act. However, cognizance of the offence has been taken under Section 498(A) of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act.

3. According to the prosecution case, the complainant was subjected to regular torture and abuse by her in-laws over non-fulfillment of dowry demand and she was also ousted from her matrimonial house.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that from bare perusal of the complaint petition it appears that there is no specific allegation attributed against these petitioners, rather there is general and omnibus allegation against all the co-accused persons including the petitioners. He lastly submits that petitioner no. 1 is the father-in-law and petitioner no. 2 is the mother-in-law of the victim.

5. The learned counsel for the complainant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that it appears from the complaint petition that all the co-accused persons including the petitioners have demanded dowry from the father of the complainant.

6. Considering the aforesaid facts and circumstances



and mainly the fact that there is no specific allegation attributed against these petitioners, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Sub-Divisional Judicial Magistrate, Nawada, where the case is pending in connection with **Complaint Case No. 700 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

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

(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 learned trial



Court 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 learned trial Court 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)

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