

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89267 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- COMPLAINT CASE District- Lakhisarai

Ponam Devi @ Punam Devi @ Poonam Devi Wife of Umesh Kumar @
Umesh Prasad Kushwaha Resident of Kushwaha Tola, Madhopur, Basdeopur,
P.S. - Basdeopur, District - Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anuradha Kumari Daughter of Naresh Mandal, Wife of Saurav Kumar
Resident of Village - Arma, P.S. - Kajra, District - Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Jyoti Ranjan Jha, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest in connection
with Complaint Case No. 86C of 2024 (arising out of Lakhisarai
Mahila P.S. Case No. 73 of 2023) in which cognizance has been
taken for the offences punishable under Sections 323 and 498A
of the Indian Penal Code.

3. Based upon the complaint case, it is alleged that the
marriage of the complainant was solemnized with one Saurabh
Kumar on 19.04.2018. Soon after the marriage, there was
demand of dowry and on account of non fulfillment of the same,
she was tortured in various ways. It is further alleged that said



Saurabh Kumar had illicit relationship with the petitioner, who is said to be aunt of Saurabh Kumar.

4. Learned counsel for the petitioner contented that the entire case is based on suspicion of illicit relationship. The allegation of torture and demand of dowry revolved around the husband of the complainant and other family members. The petitioner has no concern with the affairs of the complainant and her husband. The learned jurisdictional court after examination of solemn affirmation and evidences of the enquiry witnesses, has taken cognizance only under Sections 323 and 498A of the I.P.C. There is a matrimonial case for restitution of conjugal right pending before the Principal Judge, Family Court, Munger under Section 9 of the Hindu Marriage Act duly filed by the husband of the complainant.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, which is based upon suspicion, coupled with the fact that the petitioner is aunt of the complainant's husband having fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a



period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Lakhisarai in connection with Complaint Case No. 86C of 2024 (arising out of Lakhisarai Mahila P.S. Case No. 73 of 2023), subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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