

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13904 of 2026

Arising Out of PS. Case No.-384 Year-2023 Thana- MUNGER COMPLAINT CASE
District- Munger

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1. Manohar Gupta @ Manohar Sah son of Late Sulan Gupta @ Sulan Sah @ Sulen Sah Resident of village- Parsando, Ps- Kharagpur, Dist- Munger, P/A- residing at H. No.- 148e, Patel Nagar Jhaggi sec 65, Sihi Bazar Gorh, Faridabad, Haryana
 2. Seema Devi Wife of Manohar Gupta @ Manohar Sah Resident of village- Parsando, Ps- Kharagpur, Dist- Munger, P/A- residing at H. No.- 148e, Patel Nagar Jhaggi sec 65, Sihi Bazar Gorh, Faridabad, Haryana

... .. Petitioner/s

Versus

1. The State of Bihar
2. smt. Neelu Kumari Wife of Manish Kumar Resident of village- Samda, Po and ps- Haveli, Kharagpur, Dist- Munger

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Narayan, Adv.
	:	Mr. Brajesh Sahay, Adv.
	:	Ms. Harshita, Adv.
	:	Ms. Amrita Kumari, Adv.
	:	Ms. Aadya Dipti, Adv.
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, App.
For the Informant	:	Mr. Shubhesh Pandey, Adv.
	:	Mr. Amit Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 15-05-2026 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 384(C) of 2023, disclosing offences under Sections 498(A) of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act.

3. The Prosecution story, in brief, is that the



complainant alleges that after her marriage with Manish Kumar on 18.06.2018, her husband started demanding money from her parental family and later subjected her to physical cruelty. It is further alleged that the petitioners, being her in-laws, also participated in assaulting her during matrimonial disputes, and ultimately all accused persons expelled her from the matrimonial home, compelling her to reside at her parental house.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case due to a family dispute over distribution of sale proceeds from the vegetable business and that the allegations against them are vague, general, and unsupported by medical evidence. It is submitted that the specific allegations of demand of money and cruelty are solely against the husband, Manish Kumar, while no specific allegation has been made against the petitioners, who are the father-in-law and mother-in-law and reside separately from the complainant and her husband. He further submits that the learned court below proceeded illegally by issuing summons, bailable warrants, non-bailable warrants, and proclamation under Section 82 of the Code of Criminal Procedure, 1973 without following due procedure.



5. On the other hand, learned counsel for the informant submits that process under Section 82 of the Code of Criminal Procedure has been issued against the petitioners.

6. I have heard learned counsel for the parties and have gone through the materials available on record. The petitioners are father-in-law and mother-in-law of the complainant and entire family members have been made accused in the present complaint case including the husband of the complainant.

7. Insofar as issuance of process under Section 82 of the Code of Criminal Procedure is concerned, the Hon'ble Supreme Court, in the case of Asha Dubey v. the State of Madhya Pradesh, reported in 2024 SCC Online 5633, has held as follows:-

"8. Coming to the consideration of anticipatory bail, in the event of declaration under Section 82 of the Cr.P.C, it is not as if in all cases that there will be a total embargo on considering the application for the grant of anticipatory bail."

8. In view of the aforesaid, I am inclined to grant the petitioners privilege of anticipatory bail.

9. This application is, accordingly, allowed.

10. Let the petitioners, above named, in the event



of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Munger, in connection with Complaint Case No. 384(C) of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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