

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78530 of 2025

Arising Out of PS. Case No.-1693 Year-2016 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. Urmila Devi W/O Bhola Mahto Resident of Village- Mohammadpur Madhopatti, P.S.- Kamtaul, District- Darbhanga.
 2. Manoj Kumar Mahto @ Manoj Kumar S/O Bhola Mahto Resident of Village- Mohammadpur Madhopatti, P.S.- Kamtaul, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Raghuvir Choudhary S/O Late Parmeshwar Choudhary R/O Mohalla- Court Bazar, ward No. 14, Sitamarhi, P.S. and Dist.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Singh

For the Opposite Party/s : Mr.Renuka Ratnakar (125)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 20-02-2026 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners apprehending their arrest in connection with Complaint Case bearing CI-1693/2016 registered for the offences punishable under Section 498A of IPC and Section 4 of D.P. Act.

3. The allegation against the petitioners is to commit mental and physical cruelty upon daughter of the complainant due to non-fulfillment of demand of dowry as raised for cash of Rs. 70,000/-

4. It is submitted by learned counsel appearing on behalf of the petitioners that allegation



as raised through complaint is not legally sustainable for the reason that same not appears supported by affidavit in view of the legal report of the Hon'ble Supreme Court as available through ***Priyanka Srivastava Vs. State of Uttar Pradesh [2015 (6) SCC 287]***. It is submitted that allegation *qua* committing physical and mental cruelty is appearing very much general and omnibus against petitioners, who are in-laws, having no concerned with the daughter of complainant and her husband. It is submitted that even during the inquiry the allegation as to put house on fire was not believed by the court and the cognizance was taken only for the offence under Section 498A of the IPC and $\frac{3}{4}$ of the Dowry Prohibition Act. It is submitted by learned counsel that merely for the reason that the proceeding under Section 82 of the Cr.P.C. was initiated against petitioners, the anticipatory bail of both petitioners, who are in-laws were rejected by the learned trial court. It is submitted that the petitioner no. 1 is a senior citizen, old and sick lady, whereas petitioner no. 2 is brother-in-law and further by sending petitioners behind bar for technical reasons would not fulfill any purpose of justice, it is therefore, in the interest of



justice petitioners deserve bail. In support, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Asha Dubey Vs. State of Madhya Pradesh***, reported in ***2024 SCC OnLine SC 5633***.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as petitioners are in-laws, who are facing general and omnibus allegation *qua* committing mental and physical cruelty and also *qua* raising demand of dowry, accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi/concerned Court, where the case is pending in connection with Complaint Case bearing CI-1693/2016 subject to the conditions as laid down under Section 482(2) of the BNSS.



(Chandra Shekhar Jha, J)

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