

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No. 4766 of 2021**

Arising Out of PS. Case No.-39 Year-2020 Thana- MAHILA P.S. District- Patna

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1. Kiran Devi, aged about 50 years, Female, Wife of Sri Anjani Kumar Singh @ Anjani Singh.
  2. Anjani Kumar Singh @ Anjani Singh, aged about 55 years, Male, Son of Late Ambika Singh.  
Both resident of Mohalla - Bhadani Nagar Chikor, PO + PS - Bhadani Nagar, District - Ramgarh, State – Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar Singh, Senior Advocate with  
Mr. Anand Kumar, Advocate

For the State : Mr. Md Arif, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH  
ORAL JUDGMENT**

**Date : 04-09-2021**

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioners, which was allowed.

3. Heard Mr. Rajesh Kumar Singh, learned senior counsel along with Mr. Anand Kumar, learned counsel for the petitioners and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

4. The petitioners apprehend arrest in connection with Mahila PS Case No. 39 of 2020 dated 07.03.2020, instituted under



Sections 498A, 504/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, 1961.

5. The allegation against the petitioners is that they had also at one point of time abused and demanded a four-wheeler from the informant, who is married to the nephew of the petitioner no. 2.

6. Learned senior counsel for the petitioners submitted that in the entire FIR, the allegation is directed towards the father-in-law, mother-in-law, brother, sister of the husband of the informant and only by way of a passing reference, it has been stated that once on *Holi*, the petitioners had also abused the informant and had demanded a four-wheeler. Learned senior counsel submitted that this is a classic case of how all family members are falsely implicated and the law abused. It was submitted that there is not even a whisper with regard to any direct physical or overt act at any point of time except for one isolated incident, that too highly innocuous, which clearly has been made to exert undue pressure and implicate and harass the extended family of the husband of the informant. It was submitted that the petitioners live separately and have no connection in the affairs of the informant or her family members, which would be clear from the fact that they live in a different town. Learned senior counsel



while summing up his argument submitted that the petitioners do not have any other criminal antecedent and further, that even otherwise, the petitioners could have any interest with regard to whether or not the father of the informant gave a four wheeler to her husband as they stood nothing to gain from it.

7. Learned APP submitted that the petitioners are also said to have abused the informant and demanded a four-wheeler.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that plain reading of the FIR indicates that somehow to make out an offence, the name of the petitioners have been introduced, for, in the entire body, there is not even a whisper with regard to any specific or direct act by them, which does not inspire confidence. Thus, the Court is inclined to allow the prayer for pre-arrest bail.

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1<sup>st</sup> Class, Patna in Mahila PS Case No. 39 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal



Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners and (ii) that the petitioners shall co-operate with the Court and police/prosecution. Failure to co-operate shall lead to cancellation of their bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

11. The petition stands disposed of in the aforementioned terms.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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