

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS
JUDGE-XI, BETTIAH, WEST CHAMPARAN.

A.B.P. No. 2429/2023

27.09.2023

The present bail petition has been filed on behalf of the petitioners **1. Tara Devi** W/o- Hari Chaudhary @ Harishchandra Patel, **2. Hari Chaudhary @ Harishchandra Raut @ Harish Chandra Patel** S/o- Late Paras Raut, R/o- Gobraura, P.S. Lauriya, District- West Champaran, At present:- Patel Nagar Patna, P.S. Patliputra, ward No. 07, Road No- 02 "C" Durga Chowk Gali No-02, Patna. The petitioners are apprehending their arrest in Bettiah Complaint Case No. 663/21, u/s 498(A) I.P.C.

Heard the learned Public Prosecutor for the State and Shri Ashok Kumar Sharma, counsel for the petitioners.

The prosecution case has been instituted on the basis of complaint petition filed by one Suruti Devi W/o- Shailesh Kumar R/o- Village Gobraura, P.S.- Lauriya, District- West Champaran averring therein that the complainant was married as per the Hindu rites and custom, spending Rs. 8,00,000/- lakhs at the time of marriage in offerings and gift and in addition to that ornament worth Rs. 2,00,000/- lakhs was given and 2,00,000/- lakhs was spent on the welcome of Barati. The complainant went to her sasural after Bidai and started performing marital rites. The behaviour of the in-laws of the complainant was up to right for five years. In this period accused No. 1 and 2 borrowed Rs. 2,00,000/- lakhs in January 2018 assuring to return the same within 3-4 months but it was not returned to the father of the complainant and on demand the behaviour of the in-laws was changed in the mean time father of the complainant left for heavenly abode and there after the in-laws started demanding the insured amount of the complainants father and on its non fulfillment, the physical and mental torture of the complainant and assault on her stomach on the order of accused No. 2 at her Gobraura residents the complainants narrated all the things to her mother on which the mother of the complainant also came to the sasural of the complainant where she witnessed all the things and tried to make them understand but complainants mother was also abused and assaulted and lastly on 02.07.2021 the complainant was ousted from her sasural snatching all her "STREEDHAN" for which a panchayati was made on 12.07.2021 but the accused persons were adamant to realise the insured amount of the father of the complainant i.e. 3,00,000/- lakhs failing which the complainant will be not kept in sasural having no care from side of the accused persons.

It has been submitted on behalf of the petitioners that petitioners are quite innocent and have committed no offence as alleged in the complaint petition, that petitioners have been falsely implicated in this case due to bad-blood animosity and ulterior motive of the prosecution party, that the whole allegation contained in the complaint petition is belied in the light of the fact that already information petition

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No. 1894/2020 has already been filed by the husband Sailesh Kumar earlier of this complaint petition against Smt. Shruti Devi & Others before learned C.J.M. Patna in which all the truth lies, that the husband Sailesh Kumar was himself troubled by the behaviour of the complainant Shruti Devi and thereafter in a compelling situation a petition of Divorce case No. 260/2022 was filed before the Principle Judge Family Court Patna, which is pending for adjudication, that the complaint was herself trouble creator and was never ready to lead her matrimonial life amicably with the petitioners and as such the petitioners were terrorized because of her behaviour as she was never eager to live in sasural, that the petitioner are other than the husband and they are separate from the complainant and her husband Sailesh Kumar and as such, the petitioners have nothing to do with the affairs of the complainant and her husband if at all anybody is faulty it is her husband and not the petitioners, that the petitioners have become prey of disgruntled wife as has been held in Arnesh Kumar Vs. State of Bihar by the Hon'ble Apex Court. No any other bail application has been filed earlier in the matter either before your honour or before the Hon'ble High Court, Patna. Petitioners have got no criminal antecedents. Learned counsel for the petitioner has also filed Arnesh Kumar Vs. State of Bihar Criminal Appeal No. 1277/2014 in support of his contention.

Learned Public Prosecutor has opposed the prayer for anticipatory bail.

Having heard both the parties and perused the case record as well as case diary. On perusal of case record, it appears that present case is registered in Bettiah Complaint Case No. 663/21, u/s 498(A) I.P.C. From perusal of case record it transpires that petitioners are in-laws of the complainant and they are mother-in-law and father-in-law of complainant. There is no any direct allegation against them and they have no criminal antecedents.

Considering the above facts and special circumstances of the case, the petitioners **1. Tara Devi & 2. Hari Chaudhary @ Harishchandra Raut @ Harish Chandra Patel** are directed to be released on bail in the event of their arrest or surrender before the learned court below within four weeks from this order on furnishing bail bond of Rs. 20,000/- with two sureties of like amount each to the satisfaction of the learned court below subject to condition that petitioners will file an affidavit that they will not involve further in this case otherwise Ld. Lower Court will have liberty to cancel their bail bond.

Dictated

Additional Sessions Judge-XI