

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 33491 of 2016

Arising Out of PS.Case No. -286 Year- 2014 Thana -KHAJEKALLAN District- PATNA

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1. Malti Devi, Wife of Prabhu Saw
2. Mira Devi, wife of Sanjay Prasad
3. Renu Devi, wife of Kameshwar Saw
4. Kameshwar Sah @ Kameshwar Saw, Son of Raj Kumar Saw
5. Shailendra Mahto, Son of Krishnadeo Prasad
6. Papu @ Pramjeet Kumar Gupta, Son of Shri Suresh Prasad All Resident
of village/Mohalla- Mittanghat, Near at Vishun Halwai, Hamampar,
Iambada Nimtal Patna, P.S.- KHajkallan, District-Patna..... Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Rajeev Kumar, Advocate
For the Opposite Party : Mr. Sri Ataur Rahman(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioners and the
learned A.P.P. representing the State.

The petitioners seek pre-arrest bail in connection
with Khajekalla P.S. Case No. 286 of 2014 registered for the
offences punishable under Sections 147, 148, 149, 420, 406,
366A, 323, 354 of the Indian Penal Code.

On behalf of the petitioners it is submitted that they
have been implicated in a false case on the basis of complaint
petition. The petitioner no.6 has obtained divorce decree against
the complainant/informant and thereafter the informant is filing
case after case earlier Complaint Case No. 316 of 2013 was filed
wherein cognizance was taken and the cognizance order was
quashed by this court vide Cr. Misc. No. 7734 of 2014, the
petitioner no.6 is suffering from the several disease and his both

kidneys' are 95% damage. The daughter of the informant is living with the petitioners and as such no offence under section 366A of the I.P.C. is made out. All the allegations are baseless and concocted and as such the petitioners deserve sympathetic consideration.

Learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances stated above, considering that Matrimonial Case No. 138 of 2013 filed by petitioner no.6 against the informant and others has already been decreed and the marriage between petitioner no.6 and the informant has already been dissolved and thereafter this case has been lodged. In Complaint Case No. 316 of 2013, cognizance taken has already been quashed by this court vide Cr. Misc. No. 7734 of 2014 by order dated 01.09.2014 and further considering the critical condition of petitioner no.6, the petitioners in case of their arrest or surrender within one month from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna in Khajekalla P.S. Case No. 286 of 2014, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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