

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 55095 of 2016

Arising Out of PS.Case No. -54 Year- 2016 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Toofani Gupta, son of Late Neur Sah.
2. Shanichari Devi, Wife of Toofani Gupta.
3. Sangita Devi, Wife of Dudh Nath Gupta.
4. Ramawati Devi, Daughter of Toofani Gupta,
All 1 to 4 resident of Village- Husseypur Nawaka Tola, P.S.- Bhorey,
District- Gopalganj.
5. Leelawati Devi, wife of Rajendra Gupta,
6. Raj Kumar Gupta, son of Rajendra Gupta,
Both 5 & 6 resident of Village- Narendra Dumar, P.S.- Bhorey, District-
Gopalganj.

.... Petitioners

Versus

1. The State of Bihar.
2. Kanti Devi, Wife of Roop Chand Gupta, resident of Village- Jaghata,
P.S.- Bhatpar Rani, District- Deoria, Presently residing at Village-
Shivrajpur, P.S.- Bhorey, District- Gopalganj.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5
For the Opposite Party/s : Mr. Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 23-12-2016 Heard Sri Sanjay Kumar Pandey No. 5, learned
counsel for petitioners and Sri Nand Kumar, learned Addl. Public
Prosecutor.

Six petitioners, who are in-laws of the daughter of the
complainant/opposite party no. 2, apprehending their arrest in
Complaint Case No. 54 of 2016 for offence under Sections 498(A)
& 494 of the Indian Penal Code, have prayed for grant of
anticipatory bail.



By way of referring to **Annexure – 3** to the present petition, learned counsel for petitioners submits that husband of the daughter of the complainant had filed a case, vide Bhore P.S. Case No. 75 of 2013 against his wife and other accused persons, which was thoroughly investigated and thereafter, chargesheet was submitted and after cognizance order was passed in Bhore P.S. Case No. 75 of 2013, with a view to create a defence, the present complaint was filed on 5th of January, 2016.

Sri Pandey, learned counsel for petitioners has also drawn my attention to **Annexure – 4** to the petition i.e. copy of petition in Guardian Case No. 3 of 2015. It was submitted by learned counsel for petitioners that petitioners had filed the said case and case is still pending. Moreover, it has been argued that Section 494 of the Indian Penal Code may not directly be applicable against the petitioners, since husband is not before this Court.

In view of facts and circumstances, in the event of arrest or surrender within a period of six weeks from today, let aforesaid six petitioners namely 1. Toofani Gupta, 2. Shanichari Devi, 3. Sangita Devi, 4. Ramawati Devi, 5. Leelawati Devi and 6. Raj Kumar Gupta be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like



amount each to the satisfaction of learned Additional Chief
Judicial Magistrate – VI, Gopalganj in connection with Complaint
Case No. 54 of 2016, subject to condition as laid down under
Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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