

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52095 of 2015

Arising Out of PS.Case No. -562 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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1. Yogendra Mishra son of Late Satya Narayan Mishra, Resident of Village- Nagdaha (Narapar), P.S. Malahi, District- Motihari (East Champaran)

2. Amul Upadhayaya @ Amul Kumar son of Sri Nand Kishor Upadhayay, Resident of village- Khedanpur (Khijirkpur), P.S.- Kesaria, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar.

2. Most. Umakanti Devi, Wife of Late Ramnagina Tiwari, resident of ITI Colony, Bettia, West Champaran at present residing at Mohalla Khabra Road, P.S. Kazi Mohammadpur, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Nand Kishore Pd.(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 15-02-2016 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of the complainant.

The petitioners apprehend their arrest in connection with a case registered for the offences punishable under Sections 323/380/384/454/504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that younger daughter-in-law of the petitioner had lodge a case earlier alleging mental torture under Section 498-A of the Indian Penal Code. It was only for the purpose of humiliating the petitioner and their



family and putting pressure on them to succumb to her means that the present occurrence took shape for squeezing some more money. It is further submitted that actually the allegations are wholly concocted, and the complainants have filed the complaint case as there were differences between the petitioner and her elder son and elder daughter-in-law on the one hand and the younger son and daughter-in-law on the other side which had arisen on account of partition between the two brothers.

Learned counsel appearing on behalf of the complainants submits that the petitioner No. 1 who is the Phupha of the said Madhu Devi and petitioner No. 2 is her full brother. The father of the said Madhu Devi, namely, Nand Kishore Upadhyay has also been made accused in the present case.

Having heard learned counsel for the petitioners and learned counsel appearing on behalf of the complainant, it appears that the dispute between the parties are more in the nature of a family dispute which can well be resolved by means of negotiations and allegation of taking away money and other items and threatening with knife appears to be a creation of mind.

Considering all facts and circumstances of the case, let the petitioners, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this

order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Complaint Case No. 562 of 2014 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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