

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55637 of 2017

Arising Out of PS.Case No. -379 Year- 2016 Thana -COMPLAINT CASE District- SUPAUL

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1. Amla Devi, W/o Rajendra Mehta,
2. Rajendra Mehta S/o Late Sevak Mehta, Both R/o Village- Brahmpur,
P.S.- Birpur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mayawati Devi W/o Rajendra Mehta, R/o Village- Brahmpur, Ward
No.5, P.S.-Birpur, District- Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 28-11-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Complaint Case
No. 379C/2016 instituted for the offence under Sections 406, 323,
504 of the Indian Penal Code.

Counsel for the petitioners has submitted that there is
general and vague allegation that the complainant gave Rs.
38,000/- to the petitioners for marriage of her daughter Sarita and
petitioners neither performed marriage nor returned the money to
the complainant. The complainant claims herself to be the first
wife of petitioner no. 2. It is further submitted that complainant
had earlier filed two complaint cases under Section 498A of the
Indian Penal Code, one Complaint Case No. 156C/2002 which had
been compromised with the intervention of the well-wishers. The
second Complaint Case No. 452C/2012 is pending in the learned



court below.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners named above, within six weeks from today, in connection with Complaint Case No. 379C/2016, they shall be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Birpur, Supaul, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions

(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned,

(2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and

(3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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