

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14394 of 2018

Arising Out of PS.Case No. -552 Year- 2017 Thana -GAYA KOTWALI District- GAYA

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1. Shyam Kumar, S/o Late Ashok Kumar,
2. Mamta Devi, W/o Shyam Kumar,
Both are R/o Mohalla- Purani Godam Road, Ward No.20, P.S.- Kotwali,
District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Masomat Malti Devi, wife of late Ashok Kumar, C/o Satish Kumar, r/o
Mohalla Khairat Ahmad Road, Murarpur, P.O. and HPO Gaya, P.S.
Kotwali, Distt. Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Javed Jafar Khan, Advocate.
For the informant : Mr. Arun Kr. Sinha, Advocate.
For the Opposite Party/s : Md. Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 10-07-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and the State.

The petitioners apprehend their arrest in **Kotwali P.S.**
Case No. 552 of 2017 instituted for the offence under Sections
406 and 420/34 of the Indian Penal Code.

In the written report it is alleged that husband of the
informant died on 2.11.2014. He has purchased some Policies
from Sahara India in joint name of the informant. The informant
learnt after death of her husband that aforesaid account has been
transferred in the name of another person without her consent and
money has been withdrawn by her son Shyam Kumar and



daughter-in-law Mamta Devi (Petitioners).

Learned counsel for the petitioners has submitted that legal notice which is part of the First Information Report has been sent only to the Manager. It has further been submitted that petitioner Nos. 1 and 2 are son and daughter-in-law of the informant. There was no cordial relationship between informant and her husband (father of petitioner No. 1). The informant has lodged criminal case against her husband under Section 498A of the Indian Penal Code on 19.7.2011. Title Suit is also pending between the parties vide Title Suit No. 210 of 2011.

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 **Kotwali P.S. Case No. 552 of 2017**, they shall be released 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 learned **Chief Judicial Magistrate, Gaya**, subject to the conditions as laid down under Section 438 (2) 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond 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.

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(Sanjay Priya, J)

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