

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5091 of 2019

Arising Out of PS. Case No.-737 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Gajadhar Bind son of late Sonelal Bind
2. Muniya Devi wife of Upendra Bind
Both resident of village Kusumma, Police Station and District- Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Devi wife of Gajadhar Bind D/o Mahesh Mahto, resident of village-
Belthu, Police Station- Shahkund, District Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Opposite Party/s : Mr.Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 13-03-2019 This is an application for grant of anticipatory bail in connection with Complaint Case No. 737 of 2016, disclosing offences under Sections 323, 341, 498(A), 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Allegation against petitioners, who happen to be husband and *gotni* of the complainant, is of subjecting the complainant with cruelty and harassment with respect to demand of dowry.

Submission of learned counsel for the petitioner is that the whole allegation is false and concocted and as a matter of fact the opposite party no.2 suspect that the petitioner no.1 has illicit relation with his Bhabhi and further the opposite party no.2 does not want to reside in her Sasural rather she wants that the petitioner no.1 reside with her in her *Maike*.



Heard learned A.P.P. as well as learned counsel for the complainant, they have opposed the prayer for anticipatory bail of the petitioners stating that the petitioner no.1 has illicit relation with his Bhabhi and further submission is that he has not paid any single penny to her as maintenance for which the complainant has lodged a Maintenance Case No.123 of 2016 before the Principal Judge, Bhagalpur.

Having heard both sides, considering the facts and circumstances of the case, let petitioners surrender before the court below within a period of six weeks and on surrender they will be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each to the satisfaction of court concerned with the condition that petitioner no.1 will appear in the maintenance case filed by the complainant before the learned Family Court, Bhagalpur and cooperate in disposal of the same, otherwise the opposite party no.2/complainant is at liberty to move for cancellation of bail bonds of the petitioners before the court below itself.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

Amjad/-

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