

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13209 of 2019

Arising Out of PS. Case No.-424 Year-2017 Thana- MASAUDHI District- Patna

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1. KAILASH GUPTA S/o Late Sita Ram Gupta Resident of Village- Kalyanpur, P.S.- Karapi , District- Arwal.
 2. Savitri Devi W/o Kailash Gupta Resident of Village- Kalyanpur, P.S.- Karapi , District- Arwal.
 3. Bipul Kumar S/o Kailash Gupta Resident of Village- Kalyanpur, P.S.- Karapi , District- Arwal.
 4. Rinki Kumari D/o Kailsah Gupta Resident of Village- Kalyanpur, P.S.- Karapi , District- Arwal.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tilak Sao

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 20-08-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Masaurhi Police Station Case No. 424 of 2017, disclosing offence under Section 365 of the Indian Penal Code.

The allegation against the petitioners is that the sister of the informant was having love affairs with co-accused, Gautam Kumar, son of petitioner nos. 1 and 2. It has further been alleged that the marriage of the sister of the informant was solemnized with Gautam Kumar on 15.04.2017, in a temple and



the sister of the informant started living in the residence of her husband. It has also been alleged that all the accused persons used to torture and beat the sister of the informant for non-fulfillment of the demand of Rs. 5,00,000/- as a pre-condition for marriage of their son with the sister of the informant.

Learned Counsel for the petitioners submits that petitioner no. 1 is the father, petitioner no. 2 is the mother, petitioner no. 3 is the brother and petitioner no. 4 is the sister of the husband of the informant. He further submits that in paragraphs 28 and 29 of the case diary, it would be evident that Gautam Kumar was residing with his wife in Masaurhi in a rented house; whereas the petitioners have been living in Arwal. He further submits that in course of investigation, it has come to light that both, husband of the sister of the informant, Gautam Kumar and the sister of the informant are not traceable and there were differences between them due to incompatibility in their marriage. He further submits that no material has come in course of investigation to connect the petitioners with the present offence.

After having heard learned Counsel for the parties and taking into consideration the fact that petitioners are family members of co-accused Gautam Kumar, with whom the sister of



the informant was married and further the petitioners are living separately from the co-accused Gautam Kumar, I am inclined to grant the petitioners privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released 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 Judicial Magistrate, 1st Class, Masaurhi (Patna), in connection with Masaurhi Police Station Case No. 424 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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