

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18382 of 2019

Arising Out of PS. Case No.-464 Year-2017 Thana- MOHANIYA District- Kaimur (Bhabua)
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1. RAM KRISHNA UPADHYAY @ RAM KRISHANA UPADHYAY @ ARJUN Son of Ram Pravesh Upadhyay Resident of Village- Harkeshpur, Post- Dewal, P.S.- Gahmar, District- Ghazipur (U.P.).
 2. Hare Krishna Upadhyay @ Golu Son of Ram Pravesh Upadhyay Resident of Village- Harkeshpur, Post- Dewal, P.S.- Gahmar, District- Ghazipur (U.P.).

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. Annu Kumari Wife of Jai Krishna Upadhyay, Daughter of Surendra Mishr At present- Resident of Village- Sarahula, Post- Harnathpur, P.S.- Mohania, District- Kaimur (Bhabua).

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Kumar Sunil
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 27-03-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Mohania P.S. Case No. 464 of 2017 for the offence under Sections 498/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The petitioners are brothers of the husband of the informant. The husband of the informant is not an accused. Learned counsel appearing on behalf of the petitioners has



submitted that only for the purpose of putting undue pressure effecting partition in the family, a false case has been got registered implicating all family members except the husband. He has submitted that in any view of the matter, considering the nature of allegation, there is no chance of tampering with the evidence and influencing the witnesses, if the petitioners are allowed the privilege of anticipatory bail. It has also been stated that in course of investigation, the police had granted the petitioners benefit under Section 41A of the Cr.P.C.

Considering the facts and circumstances, this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on 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 C.J.M., Kaimur (Bhabhua) in Mohania P.S. Case No. 464 of 2017, subject to the conditions as 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.

(Chakradhari Sharan Singh, J)

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