

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22964 of 2019**

Arising Out of PS. Case No.-1466 Year-2018 Thana- SIWAN COMPLAINT
CASE District- Siwan

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1. RUCHI GUPTA, aged about 37 years, female, W/o Dr. Parmeshwar Prasad Goel, D/o Vipin Kumar Gupta Resident of Subodh Nikunj, Jaideo Nagar, P.S.- Kotwali, Y.D. College, Dist.-Lakhimpur Khiri, Uttar Pradesh
 2. Vipin Kumar Gupta, aged about 71 years, male, S/o Late Payare Lal Resident of Subodh Nikunj, Jaideo Nagar, P.S.- Kotwali, Y.D. College, Dist.-Lakhimpur Khiri, Uttar Pradesh
 3. Aman Gaurav @ Mun, aged about 28 years, male S/o Vipin Kumar Gupta Resident of Subodh Nikunj, Jaideo Nagar, P.S.- Kotwali, Y.D. College, Dist.-Lakhimpur Khiri, Uttar Pradesh
 4. Ranjana Barnwal, aged about 68 years, female, W/o Vipin Kumar Gupta @ Vipin Kumar Barnwal Resident of Subodh Nikunj, Jaideo Nagar, P.S.- Kotwali, Y.D. College, Dist.-Lakhimpur Khiri, Uttar Pradesh
 5. Gyan Prakash Gupta, aged about 58 years, male, S/o Late Bihari Lal R/o Mohalla- Postal Park, P.S.- Jakkanpur, Road No.- 3, Commerce Avenue, Kankarbagh, Distt.- Patna
 6. Mukund Lal Goel, aged about 79 years, male, S/o Late Narsingh Das R/o Mohalla- Sheshpur Goel Kothi, P.O.- Gita press, P.S.- Rajghat, Distt.- Gorakhpur, Uttar Pradesh

... .. Petitioners

Versus

1. The State of Bihar
2. Dr. Parmeshwar Prasad Goel son of Prabhushankar Prasad Resident of Guthani Bazar, P.S. Guthani, Dist.- Siwan

... .. Opposite Parties

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Appearance :

For the Petitioners : Mrs. Madhuri Lata, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 11-04-2019

As prayed, learned counsel for the petitioner is permitted to make correction in paragraph-9 by substituting the word 'prior' with the word 'after', in course of the day.

2. Heard learned counsel for the petitioners and



learned APP for the State.

3. The petitioners apprehend their arrest for the offences alleged under Sections 120B, 406, 420, 380A, 323, 504/34 of the Indian Penal Code registered in connection with Complaint Case No. 1466 of 2018, Trial No. 1467 of 2019.

4. It is submitted that the petitioners have been falsely implicated and the complainant is non other than the husband of the petitioner no. 1. Several members of the family of the petitioner no. 1 have been implicated and some of the accused persons are of advanced age. The present complaint is counter blast to the cases filed by the petitioner no. 1 alleging cruelty against her husband, as enumerated in paragraph-8 of the petitioner. The accusation that the petitioner no. 1 threatened the complainant with pistil is highly improbable. The petitioner no. 1 is accused in Gulariha P.S. Case No. 778 of 2018 also instituted by the complainant which was found to be false and final form submitted. The petitioner nos. 2 to 6 claim clean antecedents.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Sri B.K. Mishra, learned Judicial Magistrate 1st Class, Siwan in connection with Complaint Case No.



1466 of 2018, Trial No. 1467 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners shall be their close relatives of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner nos. 1 and 4 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court to be physically present and petitioner nos. 2,3, 5 and 6 shall remain physically present in Court on each and every date, and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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