

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19825 of 2019**

Arising Out of PS. Case No.-464 Year-2017 Thana- MOHANIYA District-
Kaimur (Bhabua)

- =====
1. ASHA DEVI, aged about 46 years, female, Wife of Ram Pravesh Upadhyay
 2. Ram Pravesh Upadhyay aged about 69 years, male, Son of Late Kapildev Udadhyay
- Both are Resident of Village - Harkeshpur, Post- Dewal, P.S.- Gahmar, District- Ghazipur (U.P)

... .. Petitioners

Versus

1. The State Of Bihar
2. Annu Kumari aged about 23 years, female, Wife of Jai Krishna Upadhyay, D/O- Surendra Mishr At present - Resident of Village- Sarhula, Post- Harnathpur, P.S.- Mohania, District- Kaimur (Bhabua)

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Kumar Sunil, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 498A/34 of the Indian Penal Code and Section 34 of the Dowry Prohibition Act registered in connection with Mohania P.S. Case No. 464 of 2017.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the parents-in-law of the informant. It is submitted that the husband has not been made accused in the case which has been instituted only because



the informant wanted a partition in the family. Other co-accused Ram Krishna Upadhyay @ Ram Krishana Upadhyay @ Arjun and Hare Krishna Upadhyay @ Golu have been granted anticipatory by this Court in Cr. Misc. No. 18382 of 2019. The petitioners claim clean antecedents.

4. 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 learned Chief Judicial Magistrate, Kaimur (Bhabua) in connection with Mohania P.S. Case No. 464 of 2017, 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 other than the petitioners herein.

(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 no. 1 shall be well represented present in Court on each and every date during trial except as



and when directed by the learned Court to be physically present and petitioner no. 2 shall be 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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