

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31418 of 2019

Arising Out of PS. Case No.-963 Year-2017 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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1. BAIDNATH THAKUR @ BAIJNATH THAKUR Son of Late Bachchu Thakur Resident of Village- Khaja Sarai, P.S.- Bahadurpur, District- Darbhanga.
 2. Ranjan Devi @ Ranjan Kumari Daughter of Ram Kumar Mishra Resident of Village- Khaja Sarai, P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. Bibha Devi @ Bibha Thakur Wife of Baidnath Thakur D/o Gunanand Jha, Resident of Village- Padri, P.S.- Biraul, District- Darbhanga.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha
For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-07-2019 Petitioners seek bail in anticipation of their arrest in connection with Complaint Case No. 963 of 2017 instituted for the offences punishable under Sections 323, 379, 504, 506, 384, 494 and 498 IPC but cognizance has been taken under Section 498A IPC.

Allegation against the petitioners is of subjecting the complainant to torture and cruelty and thereafter on the intervention of the local people an agreement was reached between the parties and she came to reside in the house of the petitioners but again she was assaulted and threatened to kill.



Submission of learned counsel for the petitioners is that she is residing in the house of the petitioners and moreover as per agreement she was given 1 katha and 14 dhurs of land and 6 lac of rupees which was deposited in the Oriental Bank of Commerce as fixed deposit and further submission is that with consent of the complainant petitioner No.1 solemnized second marriage and marriage with opposite party No.2 was solemnized 29 years ago.

Heard learned APP and learned counsel for opposite party No.2, who has submitted that in the deed of gift of land name of petitioner No.1 was there and in the fixed deposit the petitioner has played fraud as the amount deposited was pledged as security for business transaction, as such opposite party No.2 did not have any advantage of the same and she has prayed for maintenance as petitioner No.1 is a private teacher.

In view of above facts and circumstances, this application is disposed of with direction to petitioner to surrender by 8.8.2019 on the condition that he will pay Rs.3000/- per month to opposite party No.2 and continue to pay the same for two years or till any order, either interim or final, is passed by the Family Court in any petition filed by the opposite party No.2, the petitioners will be released on bail on furnishing



bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Darbhanga, in connection with Complainant Case No. 963 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioners shall be a local person having sufficient immoveable property within the jurisdiction of the court concerned and further condition is that on failure to deposit the aforesaid amount continuously for three months, bail bonds of the petitioners shall be cancelled.

(Vinod Kumar Sinha, J)

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