

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40752 of 2019
Arising Out of PS. Case No.-256 Year-2018 Thana- PATNA COMPLAINT
CASE District- Patna

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1. DINESH ROY Son of Ram Ratan Rai Resident of Village - Naya Tola, P.S.- Danapur, District - Patna
 2. Radha Devi Wife of Dinesh Roy Resident of Village - Naya Tola, P.S.- Danapur, District - Patna

... .. Petitioners

Versus

1. The State of Bihar
2. Anita Kumari @ Guriya Wife of Aditya Raj D/o Sri Kuldip Rai, Presently residing at Village - Vighrahpur, P.S.- Jakkanpur, District - Patna

... .. Opposite Parties

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Appearance :

For the Petitioners : Mr. Sunil Kumar, Advocate.
For the O.P. No. 2 : None
For the State : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 19-09-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act registered in connection with Complaint Case No. 256 (C) of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the father-in-law and mother-in-law respectively of the complainant. The accusations are general and omnibus moreover it transpires from the order of the learned Sessions Judge that the complainant herself has filed Matrimonial Divorce Case No. 1199 of 2018 in the Court of Principal Judge, Family Court, Patna. Statement is made at the Bar on instruction that the husband of the complainant has been granted bail. The petitioners claim clean antecedents.



4. The record disclosed that appearance has been entered on behalf of the complainant-opposite party no. 2 but none is present on her behalf when the matter is called today.

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 learned Sub-Divisional Judicial Magistrate, Patna in connection with Complaint Case No. 256(C) of 2018, 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. 2 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court below to be physically present and petitioner no. 1 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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