

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33437 of 2019

Arising Out of PS. Case No.-96 Year-2019 Thana- GAYA KOTWALI District- Gaya

1. NIRMAL KUMAR Son of Pitambar Mishra Resident of Mohalla-Panchayati Akhada, Police Station-Kotwali, District-Gaya.
2. Sanju Kumar Son of Nirmal Kumar Resident of Mohalla-Panchayati Akhada, Police Station-Kotwali, District-Gaya.
3. Bhantoo Devi @ Mantu Devi Wife of Nirmal Kumar Resident of Mohalla-Panchayati Akhada, Police Station-Kotwali, District-Gaya.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-08-2019 Heard learned counsel for the petitioners and learned
APP for the state.

The petitioners in the present case are seeking anticipatory bail in connection with Kotwali P.S. Case No. 96 of 2019 registered for the offences punishable under Sections 363, 365, 498A/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per prosecution version the daughter of the informant was married to one Amit Kumar in the year 2007, thereafter, all the named accused persons started torturing his daughter. She had two children one is aged about 9 years and the another is about 5 years old. It is alleged that on 02.02.2019 his son-in-law called



on his mobile and told that Soni Singh (daughter of the informant) had boarded at train for Banaras and asked the informant as to whether she had reached there or not. It is alleged that when the informant tried to call on mobile of Soni Singh then it was found switched off. On 08.02.2019 the informant went to Gaya along with his family members then his son-in-law Amit Kumar and his family members started abusing.

Learned counsel submits that the petitioners are the father-in-law, brother-in-law and mother-in-law of the daughter of the informant. It is submitted that the son of the petitioner no. 1 has lodged Gaya Rail P.S. Case No. 55 of 2019 stating therein that Naihar of his wife is at Banaras and on 01.02.2019 she requested him that she wants to go Banaras, thereafter, he went to Gaya Station along with his wife and she boarded in Poorva Express Train at 2:50 p.m. and then she did not reach there. The present informant has lodged this case after lodging of the case by the husband in which now allegations have been made of torture against all the family members.

Learned counsel submits that the marriage between the parties had taken place 12 years back and both were living cordial life. The allegation of torture being made at this stage is



only with an intention to implicate each and every member of the family.

Learned APP has opposed the prayer of anticipatory bail. He is, however, unable to show that any independent witness has come forward to make allegation about the relationship between the wife and husband.

Considering the facts and circumstances of the case wherein it appears that these petitioners are the near relations of the husband and there is no independent material so far to show that they had been involved in torturing the daughter of the informant and that the marriage between the son of petitioner no. 1 and daughter of the informant took place 12 years back, let the petitioners above named in the event of their arrest or surrender in connection with Kotwali P.S. Case No. 96 of 2019 within a period of four weeks from today be enlarged on bail on execution of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, subject to the condition as laid down under Section 438(2) of the Cr.P.C. ie.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the persona shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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