

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51031 of 2017

Arising Out of PS. Case No.-1120 Year-2016 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. Gopi Prasad Singh @ Gopi Raman Singh, Son of Jagdish Prasad Singh
 2. Jagdish Prasad Singh, Son of Late Dhoop Lal Singh
 3. Lalmuni Devi, Wife of Jagdish Prasad Singh

All Resident of Village-Kheria Chowk, P.S.-Korha, District-Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Binita Singh, Wife of Gopi Raman Singh, Daughter of Yogendra Kushwaha,
at Present Resident of Village-Birat Nagar, Ward no.3. near Bengala Mukti
Mandir P.S.-Birat Nagar, District-Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal
For the Opposite Party/s : Mr.Sri Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 21-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioner no.1, being the husband of the complainant and petitioner nos. 2 and 3, being the parents of petitioner no. 1, are apprehending their arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the Indian Penal Code.

The prosecution case as per the complaint petition is



that the complainant, Binita Singh was married with petitioner no. 1, Gopi Prasad Singh in 2011, but subsequently, there was dowry demand of a motorcycle and due to non-fulfillment of the same, torture was inflicted and ultimately, the complainant was being driven out from the matrimonial house by the petitioners and other in-law family members.

It appears that twice notices were issued to the complainant-opposite party no. 2. The office note dated 24.05.2018 reflects that the ordinary process of notice has been received by the learned counsel for the complainant appearing before the learned Court below, but none has appeared before this Court. From the impugned order it appears that the notices were also issued by the learned Court below but the complainant failed to appear.

It is submitted by learned counsel for the petitioners that the petitioner no. 1 admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-

“That the petitioner no. 1, has always ready to keep the complainant as wife with full dignity and honour.”



It is further submitted by learned counsel for the petitioners that there is no specific accusation against petitioner nos. 2 and 3 and they have falsely been implicated in this case simply because they happen to be parents of the husband of the complainant.

Learned APP submits that the accusation is specific against the petitioners.

Considering the fact that the bail application is pending before this Court since 17.10.2017, none is appearing on behalf of the complainant-opposite party no.2 and the present stand of petitioner no. 1 to the effect that he is ready to keep the complainant-opposite party no.2 as wife with full dignity and honour, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Katihar in connection with Complaint Case No. 1120 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, if the complainant appears before the learned Court below and expresses her willingness to resume



the conjugal life then the petitioner no. 1 will be obliged to
comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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