

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.36858 of 2019

Arising Out of PS. Case No.-146 Year-2013 Thana- BIHARIGANJ District- Madhepura

1. Soni Devi @ Soni Kumari aged about 27 years (Female) wife of Dinesh Kumar Dinkar @ Pappu Yadav
2. Umesh Chandra Yadav @ Uma Kant Yadav, aged about 62 years (Male) S/o Late Baldeo Prasad Yadav
3. Gayatri Devi, aged about 58 years (Female) wife of Umesh Chandra Yadav @ Umakant Yadav
All resident of village- Gangaura, P.S.- Bihariganj, District- Madhepura

... .. Petitioners

Versus

1. The State of Bihar
2. Ruma Devi, wife of Dinesh Kumar Dinkar @ Pappu Yadav R/o village- Gangaura, P.S.- Bihariganj, District- Madhepura, presently resident of village- Lagar, P.S.- Parbatta, District- Khagaria

... .. Opposite Parties

Appearance :

For the Petitioners : Mr. Pawan Kumar, Advocate , Advocate
For the State : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 18-06-2019 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), 494, 323, 341, 342, 316 and 120(B) of the Indian Penal Code registered in connection with Bihariganj P.S. Case No. 146 of 2013.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the alleged Sautan, father-in-law and mother-in-law of the informant. After due



investigation police has found the case to be true against the husband of the informant namely Dinesh Kumar Dinkar alias Pappu Yadav but has exonerated the petitioners who have not been sent up for trial but differing with the same, cognizance has been taken. The informant had also filed Complaint Case No. 511C of 2007 and after trial the accused persons including the petitioners have been acquitted by the learned Sub-Divisional Judicial Magistrate, Khagaria, in terms of the judgment dated 01.08.2011(Annexure-4). The present FIR has been lodged after the aforesaid acquittal. 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Shri Abhimanyu Kumar, learned Judicial Magistrate, 1st Class, Udakishunganj, District Madhepura in connection with Bihariganj P.S. Case No. 146 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.



(iii) That petitioner nos. 1 and 3 shall be well represented 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 remain physically present in court on each and every date during trial 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.

(iv) 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.

(Vikash Jain, J)

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