

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54287 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- MAHILA PS District- Khagaria

1. Harish Prasad Shukla, Aged about 60 Years, M, Son of Late Rajendra Prasad Shukla
2. Mithilesh Kumar Shukla @ Mithilesh Kumar, Aged about 32 Years, M, son of Harish Prasad Shukla
Both are resident of Village-Kurta Dudhani, P.S. & District- Dumka (Jharkhand).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party : Mrs. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 02-09-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehends their arrest for the offences alleged under Sections 498(A) and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act registered in connection with Mahila P.S. Case No. 16 of 2019.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the father-in-law and brother-in-law of the informant. The petitioners are living separately from the informant and her husband and they have no concern with their day-to-day matters. In the FIR itself it is evident that there are differences between the informant and her husband and when her brother had gone to the informant's paternal house, he was tried to be implicated in a false case. Thereafter they demanded Rs.2,00,000/- and the motor-cycle from the informant. The husband of the informant had filed Original Suit No. 36 of 2019 for restitution of conjugal right which was allowed by the learned Principal Judge,



Family Court, Dumka in his judgment dated 23.05.2019. Thereafter the informant has filed Complaint Case No. 83 of 2018. 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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Mahila P.S. Case No. 16 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure 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 the petitioners 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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