

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63725 of 2019

Arising Out of PS. Case No.-530 Year-2018 Thana- GAYA KOTWALI District- Gaya

1. BINOD PRASAD @ BINOD PRASAD GUPTA Son of Late Krishna Prasad Resident of Mohalla- Bairagi, Police Station- Kotwali, District- Gaya.
2. Kushum Devi @ Pushpa Devi Wife of Binod Prasad @ Binod Prasad Gupta Resident of Mohalla- Bairagi, Police Station- Kotwali, District- Gaya.
3. Pawan Kumar Son of Binod Prasad @ Binod Prasad Gupta Resident of Mohalla- Bairagi, Police Station- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 23-10-2019 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Section 498(A), 504, 341, 323, 379, 506 and 385 of the Indian Penal Code, registered in connection with Kotwali P.S.Case No. 530 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the father, mother and brother of co-accused Dheeraj Kumar, with whom the marriage of the informant's daughter was fixed. It is, however, submitted that the said marriage was



never solemnized and, as such, ingredients of the offences under Section 498(A) IPC are not attracted. The said co-accused Dheerja Kumar has been granted anticipatory bail by this court in Cr. Misc. No. 59885 of 2019. The accusation under Section 379 IPC is mere embellishment. The petitioners claim clean antecedents.

4. Learned APP, assisted by the learned counsel for the informant appearing *suo motu*, has been heard.

5. Be that as it may, in the event of petitioners' arrest or surrender before 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 the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S.Case No. 530 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 shall be a close relative of the petitioners.

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



(iii) That the petitioners shall co-operate 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 nos. 1 and 3 shall remain physically present in court on each and every date during trial and 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 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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