

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6305 of 2020**

Arising Out of PS. Case No.-913 Year-2019 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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1. BHANU SHANKAR UPADHYAY Son of Late Amba Shankar Upadhyay Resident of Village C.K. 31/13/CK24/10A, Nepali Khapara Chauk Varanasi Near Gyanwapi, P.O-Nichi Bagh, P.S-Chock Varanasi, Varanasi (U.P).
 2. Shashi Upadhyay Wife of Bhanu Shankar Upadhyay Resident of Village C.K. 31/13/CK24/10A, Nepali Khapara Chauk Varanasi Near Gyanwapi, P.O-Nichi Bagh, P.S-Chock Varanasi, Varanasi (U.P).
 3. Deepa Upadhyay @ Deepa Pandey Daughter of Bhanu Shankar Upadhyay Resident of Village C.K. 31/13/CK24/10A, Nepali Khapara Chauk Varanasi Near Gyanwapi, P.O-Nichi Bagh, P.S-Chock Varanasi, Varanasi (U.P).
 4. Shalu Upadhyay @ Shalu Daughter of Bhanu Shankar Upadhyay Resident of Village C.K. 31/13/CK24/10A, Nepali Khapara Chauk Varanasi Near Gyanwapi, P.O-Nichi Bagh, P.S-Chock Varanasi, Varanasi (U.P).

... .. Petitioners

Versus

1. The State of Bihar
2. Priyanka Upadhyay Wife of Ravi Shankar Upadhyay Resident of Mohalla C.K. 31/13/CK24/10A, Nepali Khapara Chauk Varanasi Near Gyanwapi, P.O-Nichi Bagh, P.S-Chock Varanasi, Varanasi (U.P). at present add D/o Dhanesh Upadhyay, resident of village Nibi Khurd, P.O-Ratwar, P.S-Bhabua, District-Kaimur at Bhabua.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Pawan Kumar Singh,Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar Sharma,APP
For the Informant	:	Ms.Kiran Kumari Sharma, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 24-11-2020 Heard learned counsel for the petitioners, learned counsel representing the complainant- O.P. No. 2 and Mr. Sanjay Kumar Sharma, learned APP for the State.

At the outset, learned counsel for the petitioners has submitted that petitioner no. 2 who happened to be the mother-



in-law of O.P. No. 2 has died during pendency of this application. This being the position this application as regards petitioner no. 2 has become infructuous and be treated accordingly.

Petitioner nos. 1, 3 and 4 in the present case are seeking pre-arrest bail in connection with Complaint Case No. 913 of 2019 in which cognizance has been taken under Section 498A of the Indian Penal Code.

So far as petitioner no. 1 is concerned, he is the father-in-law, there is no specific allegation against him and in fact in course of argument learned counsel for the O.P. No. 2 has categorically submitted that this petitioner no. 1 wanted his son to bring back the O.P. No. 2 to the matrimonial home and because his son has not brought the O.P. No. 2 back to the matrimonial home he has not allowed him to live in his house.

It is the submission of learned counsel for the petitioners that petitioner nos. 3 and 4 are the married nanad of O.P. No. 2 who are living separately in their own sasurals and this fact has not been denied by learned counsel for the O.P. No. 2.

This Court has also been informed that the husband has been granted anticipatory bail and the matter has been sent



to the mediation for the parties to resolve their disputes.

In the given facts and circumstances of the case, considering the nature of submissions and the kind of relationships of the petitioner nos. 1, 3 and 4 with the O.P. No. 2 and there being no specific allegation of commission of any overt act against them, let the petitioner nos. 1, 3 and 4 above named in the event of their arrest or surrender within four weeks from today in connection with Complaint Case No. 913 of 2019 be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Vth, Bhabua, Kaimur, subject to the condition as laid down under Section 438 (2) Cr.P.C. as under :

(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 person shall not leave India



without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bonds of the petitioners.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

