

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28938 of 2020

Arising Out of PS. Case No.-2035 Year-2013 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. PAWAN KUMAR S/o Sheo Ram Resident of Mohalla- House No.- 9A/19,
Janta Flat, near housing Colony, Ashok Nagar, P.S.- Rampur, District- Gaya.
 2. Mamta Kumari W/o Pawan Kumar Resident of Mohalla- House No.- 9A/19,
Janta Flat, near housing Colony, Ashok Nagar, P.S.- Rampur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-12-2020 Heard Mr. Sanjay Kumar Sharma, learned counsel
for the petitioner and Mr. Sanjay Kumar Pandey, Additional
Public Prosecutor for the state through video conferencing.

2. Petitioners apprehend their arrest in connection
with Gaya Complaint Case No. 2305/2013 registered for the
offence punishable under Sections 420, 406, 195(A), 295(A),
354, 376, 384 of the IPC but cognizance has been taken under
Sections 195(A), 295(A) and 354 of the IPC.

3. The allegation, as per complaint petition, is that
petitioner no.1 outraged the modesty of wife and daughter of the
complainant and petitioner no.2 who is wife of petitioner no.1
pressurized the daughter of the complainant to marry with the
brother of petitioner no.1. It has further been alleged that



petitioner no.1 also duped and took money from the wife of complainant.

4. Learned counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case by the complainant. Learned counsel further submits that prior to this complaint case, a false FIR was also lodged by the complainant against the same set of petitioners in Rampur PS Case No. 168/2011, in which the petitioners have already been acquitted. Learned counsel further submits that petitioners have filed an Informatory Petition on 20.02.2010 (Annexure-2) raising apprehension that the petitioners would be implicated by the complainant in false case. Learned counsel next submits that the wife of the complainant had filed a divorce suit against the complainant and the court of Principal Judge, Family Court, Gaya vide order dated 08.06.2006 passed in MTS No. 225/2005, has granted the decree of divorce in favour of wife of the complainant.

5. Learned counsel, referring to Annexure-5, submits that the complaint of the complainant was entrusted to the police for inquiry by the learned Magistrate and a report in this regard vide letter no. 196/18 dated 27.07.2018 was submitted by the



police officer stating therein that the complainant is in the habit of lodging false complaints against the petitioners and during course of inquiry, all the allegations, levelled against the petitioners, have been found untrue.

6. Having regard to the submissions made by the parties and taking into consideration the material on record, I am inclined to grant anticipatory bail to the petitioners.

7. Accordingly, petitioners, named above, shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Smt. Bharti Kumari, learned Judicial Magistrate-1st Class, Gaya/court concerned, in connection with Gaya Complaint Case No. 2305/2013, subject to the conditions as laid down under Section 438(2) CrPC.

8. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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