

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.57875 of 2019

Arising Out of PS. Case No.-1273 Year-2015 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. Manik Chand Gupta @ Manik Chand Prasad Son of Late Moti Lal Gupta Resident of Village- Adhiwakta Nagar Wards No.9, Gopalganj, Behind the Main Post Office Gopalganj, Police Station- Gopalganj, District- Gopalganj.
 2. Smt. Raj Kumari Gupta @ Raj Kumari Gupta Wife of Manik Chand Gupta Resident of Village- Adhiwakta Nagar Wards no.9, Gopalganj, Behind the Main Post Office Gopalganj, Police Station- Gopalganj, District- Gopalganj.
- Petitioner/s

Versus

1. The State of Bihar
2. Manju Gupta Wife of Anupam Kumar, Daughter of Mohan Prasad Gupta Resident of Village- Adhiwakta Nagar Wards No.9, Gopalganj, Behind the Main Post Office Gopalganj, Police Station- Gopalganj, District- Gopalganj. At present resident of village- Pakriyar Purabpatti, P.S.- Sewarahi, Dist.- Kushinagar (Uttar Pradesh)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh
For the Opposite Party/s : Mr. Anant Kumar I

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 05-03-2020 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Complaint Case No.1273 of 2015, Trial No.1155 of 2019 registered for the offence under sections 419, 420, 467, 468, 471, 120(B) and 34 of the Indian Penal Code.

As per allegation in the complaint, the son of petitioners was married to the opposite party no.2 in the year 2003 and at the time of marriage a sum of Rs.2 lacs in cash and ornaments worth Rs.70000/- had been given to the accused persons. It is stated that all the 'streedhan' was retained by the accused, the



complainant was tortured and driven out from the house. She filed a complaint case in the year 2011 under section 498A of the Indian Penal Code and also filed a case for grant of maintenance. It is further submitted that a petition under section 13 of the Hindu Marriage Act for divorce was filed by the complainant before the Lok Adalat which was disposed of on ground that the Lok Adalat did not have jurisdiction to entertain the same. It is further submitted that it subsequently transpired that accused persons had forged a document showing it to be a compromise between the parties and the same contained the forged signature of the complainant. It is as a result of these allegations that the instant complaint was filed.

It is submitted by learned counsel for the petitioners that the petitioners are the father in law and the mother in law of the complainant. The allegations as levelled in the complaint are general and omnibus in nature. So far as the son of the petitioners i.e. husband of the complainant is concerned, he has moved this Court for grant of anticipatory bail vide Cr. Misc. No.65867 of 2019 and this Court has been pleased to refer the matter for amicable settlement between the parties to the Patna High Court Mediation Centre. It is finally submitted that even from reading of the complaint, it would transpire that at worst



the allegation is of having prepared a forged document, which is incorrect and therefore the nature of allegations and litigation between the parties as described in detail in the complaint.

It is submitted by learned counsel for the opposite party no.2 that there was serious and direct allegation against the petitioners of cruelty on the complainant for which on earlier occasion also a case under section 498A of the Indian Penal Code was registered in the year 2011. Subsequently, on coming to know about the forgery of document by the accused persons, the instant complaint has been filed.

Having heard learned counsel for the parties, in the facts and circumstances of the case, taking into consideration the nature of allegations, the relationship of the petitioners with the complainant and pendency of the application for bail filed by the son of petitioners which has been referred to the mediation, this Court is inclined to enlarge the petitioners on bail. The provisional bail granted to the petitioners by order dated 12.9.2019 is hereby confirmed.

(Partha Sarthy, J)

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