

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84740 of 2019

Arising Out of PS. Case No.-860 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

NIKKE AWASTHEE Wife of Arvind Kumar Tiwari @ Arvind Kumar
Daughter of Bimlendu Bhushan Awasthi, Resident of Mohalla - Awasthi
Bhawan, Belwarganj, P.S.- Alamganj, P.O.- Gulzarbagh, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vishwanath Tiwari Son of Late Ram Prapann Tiwari Resident of Village -
Karath, P.O. and P.S.- Karath, District - Bhojpur, Presently Magadh Colony,
Road No.-7, P.S.- Magadh Medicals, District - Gaya.
3. Yashoda Devi @ Yashoda Tiwari @ Yashoda Kumari Wife of Sri
Vishwanath Tiwari Resident of Village - Karath, P.O. and P.S.- Karath,
District - Bhojpur, Presently Magadh Colony, Road No.-7, P.S.- Magadh
Medicals, District - Gaya.
4. Avnish Kumar Tiwari @ Avnish Kumar @ Pappu Son of Sri Vishwanath
Tiwari Resident of Village - Karath, P.O. and P.S.- Karath, District -
Bhojpur, Presently Magadh Colony, Road No.-7, P.S.- Magadh Medicals,
District - Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Chandra
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-02-2020 This application has been filed for cancellation of

the anticipatory bail granted to the O.P.no.2 to 4 vide order

dated 7.9.2019 by the Addl Sessions Judge VI, Patna City in

ABP No.6788 of 2019 in connection with Complaint Case

NoCA No.860 of 2019 under Sections 468, 384, 494, 419,

120(B) and 498(A) of the IPC and Section 4 of the Dowry

Prohibition Act..

Submission is that it is not a case under Section 498A

of the IPC rather there is allegation of cheating and frauding the

complainant by publishing advertisement in the papers showing



the husband of the complainant as the Deck Officer in the Merchant Navy and all the accused persons are father, mother and the brother of the main accused i.e. husband of the complainant and they conspired in cheating the complainant and as such there is submission of cancellation of bail bond of the O.P.nos. 2 to 4.

Heard learned APP and perused the order from which it appears that the petitioners are father-in-law, mother-in-law and brother-in-law of the complainant. There was marriage between the complainant and Avnish Kumar Tiwari who is the son of the O.P.nos. 2 and 3 and considering the same learned Addl. Sessions Judge has granted anticipatory bail to the O.P.no.2 to 4 and there is no allegation of misuse of the privilege of the bail or tampering with the evidence.

In view of the discussions made above, I am not inclined to interfere with the order granting anticipatory bail to O.P.no. 2 to 4. According, this application is dismissed.

(Vinod Kumar Sinha, J)

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