

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15701 of 2022

Arising Out of PS. Case No.-39 Year-2021 Thana- MAHILA PS District- Aurangabad

1. KUNTI DEVI wife of Premachand Prasad
2. Raj @ Dipan @ Dipan Kumar Son of Premachand Prasad
both are Residents of Village – Shahpur Pokhara Par, Ward No. 25, P.S.
Town, District - Aurangabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Madhu Devi Wife of Sanjay Prasad Gupta Resident of Village - Obra, P.S. -
Obra, District - Aurangabad, daughter of - Manoj Kumar @ Munna Saw,
Resident of Village - Obra, Durga Rath, Sonari, P.S. - Obra, District -
Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-09-2022 Learned counsel for the petitioners submits that a supplementary affidavit has been filed rectifying the cause title of the petitioners.

The office is directed to correct the cause title of the petitioners according to the supplementary affidavit filed on behalf of the petitioners.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioners apprehend their arrest in a case



registered for the offences punishable under Sections 341, 494 and 498(A) of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners have antecedent of one case.

The informant alleges that her marriage was solemnized with Sanjay Prasad Gupta and from the wedlock they had two children. It is further alleged that a case for maintenance has been instituted against the husband. It is further alleged that informant came to know that her in-laws have solemnized the second marriage of Sanjay Prasad Gupta without taking divorce.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case and the petitioners have specifically rebutted the factum of second marriage as would be evident from para 9 of the anticipatory bail application. It is further submitted that it is the duty of the husband to ensure that the wife lives with full dignity and honour but whenever the relationship between the husband and wife becomes sour the entire family members are implicated. It is next submitted that petitioner no. 1 is the mother-in-law and petitioner no. 2 is the younger brother-in-law of the informant and the allegation against them is general and omnibus in



nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Aurangabad Mahila P.S. Case No. 39 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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