

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31498 of 2021

Arising Out of PS. Case No.-397 Year-2020 Thana- BODHGAYA District- Gaya

-
1. GAGAN KUMAR @ MONU KUMAR.
 2. Sumitra Devi Wife of Balram Singh.
 3. Baliram Singh, Son of Late Gagdeo Singh.
All are resident of Village- Mohanpur, P.S.- Mohanpur and District- Gaya (Bihar).

... .. Petitioners

Versus

1. The State of Bihar
2. Sweta Kumari, Wife of Sonu Kumar, Resident of Village- Larpur, P.O.- Bhadejee, P.S. - Bodh Gaya, District- Aurangabad.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Vyas Kumar Mishra
For the Opposite Parties	:	Ms. Shaheen Begum
		Mr. Sunil Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 03-03-2022 Heard learned counsel for the parties.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners seek anticipatory bail in connection with Bodh Gaya P.S. Case No. 397 of 2020 registered for the offences under Sections 323, 313, 504, 506 and 498/34 of the Indian Penal Code.

It has been submitted by learned counsel for the petitioners that the petitioner no.1 is the brother-in-law, petitioner no.2 is the mother-in-law and petitioner no.3 is the



father-in-law of the informant. In paragraph no.12 of the bail application, it has been stated that the petitioners are still ready to keep the opposite party no.2 with full dignity.

In such view of the matter, the husband of opposite party no.2 is directed to visit his *Sasural* and take opposite party no.2 with him before 24.03.2022 and thereafter both the parties will file an application in the Court below that they have amicably settled their disputes and they are staying together. The husband of opposite party no.2 will also provide a separate mobile phone and mobile number to opposite party no.2 from which she can talk to her parents as and when she desires.

On filing of the aforesaid application by the opposite party no.2 and her husband in the Court below, the Court below will release the petitioners on provisional bail for a period of three months on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Bodh Gaya P.S. Case No. 397 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

After completion of three months, the opposite party no.2 and her husband will again appear before the learned



Court below. The Court below will verify the conduct of husband of the opposite party no.2 and opposite party no.2 and thereafter take a decision either to confirm the provisional bail of the petitioners or to cancel the same in the facts of the case.

It is made clear that if the husband of opposite party no.2 does not take the opposite party no.2 to his house and get her properly maintained then the opposite party no.2 shall have liberty to file an Interlocutory Application for cancellation of the anticipatory bail granted to the petitioners directly before this Court.

Till filling of the application by the opposite party no.2 and her husband in the Court below, the interim protection granted to the petitioners vide order dated 24.12.2021 shall continue.

With the aforesaid observations and directions, this bail petition is allowed.

(Sandeep Kumar, J)

pawan/-

U		T	
---	--	---	--

