

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26458 of 2022

Arising Out of PS. Case No.-287 Year-2020 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. Satya Narayan Prasad Gupta @ Satya Narayan Prasad Son Of Late Yugadu Saw @ Yudagir Sao
 2. Vimla Devi Wife Of Satya Narayan Prasad Gupta @ Satya Narayan Prasad
 3. Bablu Kumar Son Of Satya Narayan Prasad Gupta @ Satya Narayan Prasad
 4. Rekha Devi Wife Of Bablu Kumar
All R/O- Vill- Khemda, Barun, P.S.- Barun, District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anamika Kumari Wife Of Late Anil Kumar R/O- Vill- Khemda, Barun, P.S.- Barun, District- Aurangabad. At Present D/O Baijnath Pd Gupta R/O- Maharajganj, Near Shantoshi Mata Mandir, P.S.- Kutumba, District- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the Opposite Party/s : Ms.Rita Verma,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323,324,354,379,498(A)/34 of IPC and Section 3/4 of D.P.Act and the cognizance has been taken under Sections



323,379,498(A)/34 of Indian Penal Code.

The prosecution case, in short, is that the complaint of the complainant Anamika Kumari is that her marriage was solemnized with Anil Kumar Gupta in 2016. Two children were born out of the wedlock. The husband of the complainant passed away on 20.05.2020. Thereafter the complainant was being harassed and tortured at the hands of her father-in-law Satya Narayan Prasad, mother-in-law Vimla Devi, Bhaisur Bablu Kumar and Gotani Rekha Devi. She further alleged that the accused persons assaulted the complainant and expelled her alongwith her children from the matrimonial home after snatching away her belongings.

Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case due to share in the property. He further submits that petitioner No.1 is father-in-law, petitioner No.2 is the mother-in-law, petitioner No.3 is brother-in-law and petitioner No.4 is sister-in-law. In fact the complainant resides in her father's house and the petitioners have no concern at all with the alleged occurrence and all the alleged story is concocted and during investigation by the police which was found that no trace of assault has been found against the



petitioners and the police has submitted a detailed report (Annexure-2).

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

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Complaint Case No.287 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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