

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69143 of 2019

Arising Out of PS. Case No.-886 Year-2019 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

1. Brajesh Upadhyay Son of Shiv Shankar Upadhyay Resident of Village - Kalyanpur, P.S.- Barauli, District- Gopalganj, presently residing at 4 No. Railway Gate, House of Shashtri Jee, Marg, Basudeopur, Near Taxes Maiko Play Ground, North, P.S.- Belghariya, District- 24 Pargana (West Bengal), Pin Code - 700056
2. Shiv Shankar Upadhyay Son of Late Ram Narayan Upadhyay Resident of Village - Kalyanpur, P.S.- Barauli, District- Gopalganj, presently residing at 4 No. Railway Gate, House of Shashtri Jee, Marg, Basudeopur, Near Taxes Maiko Play Ground, North, P.S.- Belghariya, District- 24 Pargana (West Bengal), Pin Code - 700056
3. Shail Kumari Upadhyay @ Shail Upadhyay Wife of Shiv Shankar Upadhyay Resident of Village - Kalyanpur, P.S.- Barauli, District- Gopalganj, presently residing at 4 No. Railway Gate, House of Shashtri Jee, Marg, Basudeopur, Near Taxes Maiko Play Ground, North, P.S.- Belghariya, District- 24 Pargana (West Bengal), Pin Code - 700056
4. Rajesh Upadhyay Son of Shiv Shankar Upadhyay Resident of Village - Kalyanpur, P.S.- Barauli, District- Gopalganj, presently residing at 4 No. Railway Gate, House of Shashtri Jee, Marg, Basudeopur, Near Taxes Maiko Play Ground, North, P.S.- Belghariya, District- 24 Pargana (West Bengal), Pin Code - 700056
5. Renu Upadhyay Wife of Rajesh Upadhyay Resident of Village - Kalyanpur, P.S.- Barauli, District- Gopalganj, presently residing at 4 No. Railway Gate, House of Shashtri Jee, Marg, Basudeopur, Near Taxes Maiko Play Ground, North, P.S.- Belghariya, District- 24 Pargana (West Bengal), Pin Code - 700056

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shobha Upadhyay Wife of Brajesh Upadhyay, D/O - Birendra Mishra Resident of Village - Kalyanpur, P.S.- Barauli, District- Gopalganj, presently residing at Harkhauli, Ward No. -2, P.S.- Mirganj, District- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shyama Kant Singh
For the Informant	:	Mr. Sanjay Kumar Pandey No. 5
For the Opposite Party/s	:	Mr. Ashok Kumar



CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

12 09-02-2022 Heard learned counsel for the petitioners,
informant and learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 406, 498(A) of the Indian Penal Code.

The petitioner No. 1 is husband of the informant whereas petitioner Nos. 2 to 5 are father-in-law, mother-in-law, brother-in-law and sister-in-law respectively of the informant.

It is submitted by learned counsel for the petitioners that a compromise has taken place between the parties and both sides decided to settle the dispute and in pursuance of the compromise, the petitioners



agree to pay Rs. 11,50,000/- to the informant as one time settlement and they have already paid Rs. 3,00,000/- to the informant on 11.12.2020 and ready to pay rest of the amount within a period of three months. A photocopy of the compromise petition and the cheque have been brought on record as Annexures- 2 and 3 of the supplementary affidavit filed on behalf of the petitioners.

The learned counsel appearing on behalf of the informant does not deny the factum of compromise between the parties.

Considering the aforestated facts, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XVI, Gopalganj in connection with Gopalganj



P.S. Case No. 886 of 2019, Trial No. 2162 of 2019,
subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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