

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14902 of 2023

Arising Out of PS. Case No.-417 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. PANKAJ TIWARI @ PANKAJ KUMAR TIWARI Son of Sri Prabhu Tiwari @ Prabhu nath Tiwari R/V- Rupanchaap, P.S- Barauli, Dist- Gopalganj.
 2. Prabhu Tiwari @ Prabhu Nath Tiwari Son of Shri Chhabila Tiwari R/V- Rupanchaap, P.S- Barauli, Dist- Gopalganj.
 3. Renu Devi Wife of Sri Prabhu Tiwari @ Prabhu nath Tiwari R/V- Rupanchaap, P.S- Barauli, Dist- Gopalganj. Petitioner/s
- Versus
1. The State of Bihar
 2. Mala Kumari Wife of Sri Pankaj Tiwari, Daughter of Kamakhya Pandey R/V- Rupan Chaap, P.S- Barauli, Dist- Gopalganj, at present R/V- Budhiya P.S- Sindhwaliya, Dist- Gopalganj. Opposite Party/s
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Appearance :

For the Petitioner/s	:	Mr.Kumar Kaushlendra, Adv. Mr. Ashok Kumar Singh, Adv.
For the State	:	Mr.Rajendra Prasad Nat, APP
For the informant	:	Mr. Shashi Shekhar Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 09-10-2023 Heard Mr. Kumar Kaushlendra and Mr. Ashok

Kumar Singh, learned counsel for the petitioners and Shashi Shekhar Tiwary, learned counsel appearing on behalf of the complainant as well as Mr. Rajendra Prasad Nat, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 417 of 2022, Tr. No. 2121 of 2022, registered for the offences punishable under Section 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. As per allegation, the accused persons including



the petitioners used to torture the complainant physically and mentally for non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners has submitted that the petitioners have clean antecedents. They have falsely been implicated in the present case. He further submits that the allegation, as alleged in the complaint petition, is false and fabricated and they have never committed any offence as alleged in the complaint petition. He next submits that petitioner no. 1 is husband, petitioner no. 2 is father-in-law and petitioner no. 3 is mother-in-law of the complainant.

5. Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for bail and submit that pursuant to the order of the learned court below, a Medical Board has been constituted by the Civil Surgeon, Gopalganj for examination of the victim/complainant and the medical report dated 02.12.2022 reveals that the allegation as alleged by the victim/complainant is false and in the entire proceedings, the petitioners have always tried to harass the complainant and in the Court proceeding, they have also alleged that the complainant is transgender, but the medical report suggests that the complainant is cisgender.



6. Considering the aforesaid facts, I am inclined to grant privileges of anticipatory bail only with respect to petitioner nos. 2 and 3, who are father-in-law and mother-in-law of complainant. Accordingly, **petitioner nos. 2 and 3**, in the event of their arrest or surrender within a period of four weeks, **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 Sub-Divisional Judicial Magistrate, Gopalganj in connection with Complaint Case No. 417 of 2022, Tr. No. 2121 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C and with further following conditions;

(i) 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 bond shall be cancelled by the Court below.

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

(iii) 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.

7. So far as **petitioner no. 1** is concerned, who is husband of the complainant,, I am not inclined to grant him privileges of anticipatory bail and accordingly, his prayer for bail is **rejected**.

(Rajesh Kumar Verma, J)

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