

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42510 of 2023

Arising Out of PS. Case No.-1620 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Nawal Kishore Pandey Son of Late Jugeshwar Pandey Resident of village - Dumra, P.S. - Kotwa, Distt. - East Champaran
 2. Tara Devi Wife of Nawal Kishore Pandey Resident of village - Dumra, P.S. - Kotwa, Distt. - East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nutan Kumari Wife of Sri Nirala Kumar Pandey Resident of village - Dumra, P.S. - Kotwa, Distt. - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioners, learned counsel for the complainant and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 498A/354/323/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioner No.1 has antecedent of six cases and petitioner No.2 has antecedent of three cases and the complainant alleged that



she was married to Nirala Kumar Pandey on 29.11.2009. It is next alleged that after marriage the petitioner demanded Alto Car and on account of non-fulfillment of the demand they committed cruelty and even tortured her. It is next alleged that she gave birth to a girl child when cruelty and torture increased. It is further alleged that her husband tried to save her but the accused persons used to assault him and stop providing meal to the complainant and her husband. It is next alleged that the family members of the complainant intervened to settle the dispute but the accused persons refused to keep the complainant without fulfilling the demand of Alto Car. Thereafter the father gave rupees one lac to the petitioner. It is next alleged that on 12.06.2022 at about 6:00 PM all the accused persons including the petitioners started assaulting her after locking her in a room when her husband came to save her the accused persons assaulted him with fists and slabs and petitioner No.1 even tried to molest her, on which she and her husband protested when they were saved by neighbour. Thereafter the accused persons ousted her from the matrimonial home along with a minor daughter after snatching her belongings. It is next alleged that the accused persons including the petitioners even tried to commit murder of her



husband with a view to grab his property by causing fire-arm injury for which Pipra Kothi P.S. Case No.35 of 2022 has been lodged.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case being father-in-law and mother-in-law of the complainant. It is next submitted that from perusal of the allegation it would manifest that complainant has not made her husband an accused rather has implicated her father-in-law, mother-in-law and sister-in-law. It is next submitted that it absolutely does not stand to reason that how the complainant is residing with her husband in whose presence it is being alleged that his father i.e., petitioner No.1 tried to molest her. It is next submitted that the complainant along with her husband who is son of the petitioner Nos.1 and 2 are trying to grab the ancestral as well as their personal property and as such in order to coerce the petitioners into submission such a frivolous and a false complaint case came to be instituted. It is next submitted that it absolutely does not stand to reason that how father-in-law and mother-in-law can even create troubles for the daughter-in-law in the event if the husband is not siding with them. In the present case the complainant and her husband are trying to



oust the petitioners from their home in order to grab the ancestral house. It is next submitted no doubt an attempt was made on the life of the husband of the complainant by fire-arms but then the said case was instituted against unknown and the complainant in order to give a serious colour to the present complaint has falsely alleged that with a view to grab the property of her husband an attempt was made to commit his murder by the accused persons i.e., the petitioners.

5. The learned Additional Public Prosecutor along with learned counsel for the complainant opposed that interim application of the petitioners but not in a position to rebut the submission of the learned counsel for the petitioners that husband is not an accused in the present case.

6. Considering the submissions, the petitioners, above named, are directed to be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of four weeks from the date of receipt of the order on furnishing bail bond of Rs.2,000/- (Two Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, East Champaran at Motihari/Successor Court in connection with Complaint Case No.C-1620 of 2022, subject



to the conditions as laid down under Section 438(2) of the
Code of Criminal Procedure.

(Satyavrat Verma, J)

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