

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54919 of 2023

Arising Out of PS. Case No.-446 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

1. Bhupendra Singh @ Guddu Singh Son Of Late Premchandra Singh Resident of Village Sio , P.S. Bhabua, District Kaimur at Bhabua. At Present R/O Bhabua Ward No. 6, House No. 116, P.S.- Bhabua, Dist- Kaimur at Bhabua
2. Brijrani Kunwer @ Brijrani Kuer Wife Of Late Premchandra Singh Resident of Village Sio , P.S. Bhabua , District Kaimur at Bhabua. At Present R/O Bhabua Ward No. 6, House No. 116, Ps- Bhabua, Dist- Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sonam Kumari Wife of Bhupendra Singh @ Guddu Singh Resident Of Village- Sio, Ps- Bhabua, Dist- Kaimur At Bhabua, At Present R/O Sherpur, Ps- Chainpur, Dist- Kaimur At Bhabua

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Bhabua P.S. Case No. 446 of 2023, registered on 24.05.2023 for the offences under Sections 341, 323, 498A, 504/34 of the Indian Penal Code.

3. As per prosecution case, the marriage of the



informant was solemnized with petitioner no. 1 after death of his first wife, who was having two children from his earlier marriage. The allegation against the petitioners is that they used to treat the informant with cruelty and torture and lastly drove her out from their matrimonial house demanding Rs.10 lakhs from the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Petitioner no. 1 is the husband of the informant and petitioner no. 2 is 74 years old widow mother-in-law of the informant. The allegation of demand of dowry and ousting the informant from matrimonial house are totally false and concocted. Learned counsel further submits that the marriage of petitioner no. 1 was solemnized in Mundeshwari Temple and the allegation of demand of dowry is totally false and concocted. The informant has lodged this false and concocted case in order to pressurize the petitioners to alienate the property in her favour and due to the acts of the informant, petitioner no. 1 has filed an informatory petition on 24.04.2023 in the court of learned Chief Judicial Magistrate, Bhabua vide Informatory Petition No. 192 of 2023 as he was having apprehension of being implicated in a false case. Petitioner no. 1 has solemnized



his marriage only on the condition that he does not want any child from this marriage because he is having two children from the earlier marriage and with the consent the informant the petitioner no. 1 got the vasectomy done but at the instance of her parents, the informant has started pressurizing petitioner no. 1 to transfer his property in her name. Learned counsel further submits that petitioner no. 1 is accused in two other cases and in one case he is on bail and in the other case police found the case untrue and submitted final form which is pending for acceptance before the learned Magistrate and petitioner no. 2 is accused in same case in which final form has been submitted by the police which is pending for acceptance before the learned Magistrate.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua/concerned court in connection with Bhabhua P.S. Case No. 446 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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