

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68039 of 2023

Arising Out of PS. Case No.-614 Year-2022 Thana- COMPLAINT CASE District- Lakhisarai

1. Umesh Mehta S/O Late Deepo Mahto
 2. Punam Devi @ Anita Devi W/O Umesh Mehta
Both are R/O Village- Basauni, P.S. -Piribazar, Dist. Lakhisarai
- Petitioner/s

Versus

1. The State Of Bihar
 2. Sita Mani Kumari D/O Umesh Mahto R/O Village- Bakarchak, P.O- Dighari,
Ps. Surajgarha (manikpur), Dist. Lakhisarai
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-10-2023 Heard Mr. Binay Kumar, learned counsel for the

petitioners as well as Ms. Veena Kumari Jaiswal, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Complaint Case No.614C of 2022 , complaint
dated 14.12.2022 registered for the offence punishable under
Section 498A of the IPC.

3. The prosecution case, in short, is that marriage of
the complainant was solemnized with the co-accused Bipul
Kumar with Hindu rites and rituals. In the marriage father of the
complainant spent 10 lakhs of rupees and after 4-5 days of
marriage all the accused persons started demanding two lacks
rupees and as a motorcycle. Because of non-fulfillment of the



demand of dowry all the accused persons started torturing the victim after that victim went to her 'Maika' When complainant reached at her Sasural then all the accused persons ousted her from the house. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that the petitioners are in-laws of the complainant. He further submits that from perusal of the complaint petition, it appears that there is no accusation of any assault or overt act attributed against the petitioners, rather there is general and omnibus allegation against all the accused persons including the petitioners.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners.

6. 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 anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Lakhisarai in connection with Complaint Case



No.614C of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bonds 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 anticipatory bail.

(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 anticipatory 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)

Prakash Narayan

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