

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59218 of 2023

Arising Out of PS. Case No.-96 Year-2023 Thana- RAJEPUR District- East Champaran

1. Akindr Giri Son Of Late Jagdeo Giri Resident Of Village- Mahuahan Bir, Ps- Rajepur, Distt- East Champaran
2. Giraja Devi Wife Of Akindr Giri Resident Of Village- Mahuahan Bir, Ps- Rajepur, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Rajepur P.S. Case No. 96 of 2023, registered on 05.05.2023 for the offences under Section 498(A)/34 of the Indian Penal Code.

3. As per prosecution case, petitioners are parents-in-law of the informant and the allegation against the petitioner and co-accused persons is that of torturing the informant and treating her with cruelty. Further the petitioners were instrumental in getting the second marriage of the husband solemnized with one Bhibha Kumari.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. Learned counsel further submits that petitioners are old aged persons and they have no concern with the informant or the husband. Prosecution story is not believable, since admittedly the informant was ousted from her matrimonial home on 24.01.2021 but FIR came to be registered on 05.05.2023. If the informant was having any problem, then she could have registered the FIR immediately. There is no explanation of delay of 2.5 years in lodging of the FIR. This informant has earlier also filed a complaint case against the petitioners and others and since then, the petitioners have separated from the informant. The petitioners and others were also acquitted from that case which was filed by the informant. Learned counsel further submits that the informant is a lady of very short tempered and she does not like to live with her husband and filed a false complaint case against the petitioner and others.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that the petitioners are parents-in-law of the informant and the allegations are general and omnibus, 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, District-East Champaran/concerned court in connection with Rajepur P.S. Case No. 96 of 2023, subject to the conditions 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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