

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71465 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- MAHILA PS District- Buxar

-
1. Rahul Upadhyay S/O- Madan Mohan Upadhyay R/O- Sohanipatti PS- Buxar T Dist- Buxar.
 2. Rohit Upadhyay Son Of Madan Mohan Upadhyay R/O- Sohanipatti PS- Buxar T Dist- Buxar.
 3. Janki Devi (Mother-in-Law) Wife Of Madan Mohan Upadhyay R/O- Sohanipatti PS- Buxar T Dist- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Medha Upadhyay wife of Rahul Upadhyay, D/o- Santosh Pandey village- Dahigama Po- Ataon Ps- Dumraon Dist- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Aditya Nath Pandey, learned counsel

 appearing on behalf of the petitioners and Mr. Surendra Prasad

 Singh, learned APP appearing on behalf of the State.

 2. The petitioners seek anticipatory bail in connection

 with Mahila P.S. Buxar Case No.27 of 2023 dated 11.06.2023

 registered under Sections 323, 341, 498(A), 427, 354(B), 504,

 506 of the Indian Penal Code and 3/4 of the D.P. Act.

 3. Learned counsel appearing on behalf of the

 petitioners submits that petitioners are ready to live along with

 O.P. No.2 and petitioner no.1 i.e. the husband of the O.P. No.2

has already filed Restitution Petition before the Family Court.

4. In this view of the nature of dispute arising out of estrange relationship, the District Court is directed to issue notice to O.P. No.2 to be physically present in the Court, so that she can inform the Court whether she wants to live with the petitioner no.1 (husband) or not.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, as well as, the fact that petitioners are in-laws and they are ready to live peacefully with O.P. No.2, I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioners are directed to be released provisionally on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Buxar in connection with Mahila P.S. Buxar Case No.27 of 2023 dated 11.06.2023, on such terms and conditions as the court below deems it fit and proper.

8. In case, O.P. No.2 gives information to the Court that petitioner no.1 (husband) is not keeping her full dignity and not fulfilling her emotional, financial and physical desires, in that case the bail bond of the petitioners shall be cancelled.

(Purnendu Singh, J.)

Ashishsingh/-

U		T	
---	--	---	--