

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13130 of 2024

Arising Out of PS. Case No.-444 Year-2021 Thana- SARAN COMPLAINT CASE District-
Saran

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1. Anil Kumar Singh S/O GYANCHAND SINGH VILLAGE- GORAIPUR,
PS. AWATAR NAGAR, DIST. SIWAN
 2. NIRMALA DEVI W/O ANIL KUMAR SINGH VILLAGE- GORAIPUR,
PS. AWATAR NAGAR, DIST. SIWAN
 3. NEERAJ KUMAR S/O ANIL KUMKAR SINGH VILLAGE- GORAIPUR,
PS. AWATAR NAGAR, DIST. SIWAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. NAGENDRA PRASAD SINGH @ TIKAWALA ADIVAKTA, ADVOCATE
S/O LATE DAKSHIT SINGH OCCUPATION- LEGAL PRACTICIONER,
PRESENTLY RESIDENT OF- SHEOJI NAGAR, NEHRU CHOWK,
WEST OF AERODOME, P.O CHAPPRA, PS. TOWN, DISTT. SARAN.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aiman Hassan, Advocate Mr. Ashar Akhtar , Advocate Mr. Aiman Hassan, Advocate Mr. Utpal Kumar , Advocate Saba Ashfaque, Advocate
For the Opposite Party/s :		Mr. Nand Kishore Prasad , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners and the

State.

2. Petitioners apprehend their arrest in a case
registered for the offence punishable under sections 406, 420,
500, 120(B) and 34 of the Indian Penal Code .

3. As per the prosecution case, the complainant's
daughter was married to Niraj Kr. Singh on May 5, 2018. At the



time of the negotiation of marriage, the accused persons had asked the complainant to give Rs. 15,00,000/- for running a business in Bombay. On 12.12.2017, the complainant paid Rs. 2,00,000/-, and the rest of Rs. 13,00,000/- was paid by him in the account of *Nirmala Devi*. After marriage, the accused persons demanded money and ousted the daughter of the complainant from the house. The accused persons did not pay the money borrowed from the complainant.

4. It is submitted on behalf of the petitioners that the entire case of the complainant is false and fabricated, and these petitioners have falsely been implicated in this case. As a matter of fact, petitioner No. 3 filed a suit seeking divorce by mutual consent u/s 13 B of the Hindu Marriage Act 1955, and the family court No. III, Ahmehabad, by order dated December 28, 2021, decreed the suit as per the terms and conditions stated in the agreement made by husband and wife, and the marriage of the petitioner was dissolved with effect from the date of the decree of divorce pronounced u/s 13 B of HMA. It is further submitted that, as per Paragraph 7 of the compromise petition, both husband and wife agreed and undertook that all the cases filed in any forum, authority, or court by respective parties, family members, and friends against each other and persons



associated with husband and wife shall be treated as settled with mutual consent to be quashed. It is further submitted that the complainant filed on February 9, 2021, and on April 5, 2021, a compromise deed for divorce with mutual consent and an agreement executed by the daughter of the complainant and his son, the petitioners No. 2 and 3, wherein, as mentioned in the complaint petition, the daughter of the complainant has received Rs. 26,50,000 through draft no. 505315 dated April 5, 2021, by *Neeraj Kumar Singh*, against a full and final settlement including all rights and alimony, and on the basis of mutual consent, the decree of divorce has been granted by the family court, and as such, the entire allegations made out in the complaint petition are false and baseless.

5. Learned counsel for the State oppose the bail petition.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the ACJM 1, Saran, Chapra in connection with Complaint Case No. 444 of 2021, leading to trial No. 1705 of 2023,



subject to the conditions laid down under section 438(2) of the
Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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