

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14877 of 2024

Arising Out of PS. Case No.-15627 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

- =====

1.

Anita Burnwal Wife of Gopal Burnwal, Resident of Shriram Path, Sapna Market, P.S. Mabhara, District- Durgapur (West Bengal).

2.

Gopal Burnwal Son of Baldeo Burnwal, Resident of Shriram Path, Sapna Market, P.S. Mabhara, District- Durgapur (West Bengal).

... .. Petitioner/s

Versus

1.

The State of Bihar.
2.

Neha Kumari D/o Vinod Kumar Burnwal, Resident of Mahavir Nagar, Naya Chowk, P.S. Ram Krishna Nagar, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2

12-03-2024

Heard Mr. Surendra Kishore Thakur, the learned
counsel for the petitioners and Mr. Nityanand, the learned
Additional Public Prosecutor for the State.

2.

The petitioners are apprehending their arrest in
connection with Complaint Case No. 15627 of 2022, in which
cognizance has been taken for the offence punishable under
Section 498(A) of the Indian Penal Code.

3.

According to prosecution case, the complainant
was regularly abused and tortured by her in-laws over non-
fulfillment of dowry demand and later she was ousted from her

matrimonial home for the same reason.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that the petitioners are father-in-law and mother-in-law of the complainant. He further submits that although the present complaint has been filed under Sections 323, 324, 120(B), 420, 380, 354(B), 504, 506, 509 and 498(A) of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act, but the learned Court below has taken cognizance only under Section 498(A) of the Indian Penal Code against the petitioners. He lastly submits that upon bare perusal of the complaint petition it appears that there is no specific allegation against the petitioners, rather there is general and omnibus allegation against all the accused persons including the petitioners.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and the allegations levelled against them are not specific, let the petitioners, above-named, in the event of their arrest or

surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 learned Judicial Magistrate-1st Class, Patna, where the case is pending in connection with **Complaint Case No. 15627 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(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 bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of 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)

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