

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20614 of 2024

Arising Out of PS. Case No.-1260 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

-
1. Abhay Das Son Of Ganesh Chandra Das Resident Of Village- Moralbadh, PS- Balrampur, Distt- Katihar
 2. Jagdish Das Son Of Ganesh Chandra Das Resident Of Village- Moralbadh, PS- Balrampur, Distt- Katihar
 3. Dipa Devi Wife Of Abhay Das Resident Of Village- Moralbadh, PS- Balrampur, Distt- Katihar
 4. Ganesh Chandra Das Son Of Late Chinta Ram Resident Of Village- Moralbadh, PS- Balrampur, Distt- Katihar
 5. Roma Devi Wife Of Ganesh Chandra Das Resident Of Village- Moralbadh, PS- Balrampur, Distt- Katihar
 6. Soutan Das @ Sattan Das Son Of Late Ram Das Resident Of Village- Kelabari, PS- Barsoi, Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Maya Devi Wife Of Late Chandra Das @ Late Chandan Kumar Das Resident Of Village- Tekuri, Ps- Balrampur, Distt- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Rahmatullah, Advocate
For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the complainant and learned APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Complaint C.A. Case No. 1260 of 2021, filed on 22.10.2021, wherein processes



have been directed to be issued after cognizance being taken for the offences under Sections 498A, 323, 406 of the Indian Penal Code.

3. As per prosecution case, the petitioners, who are in-laws of the complainant, assaulted and threw out the complainant from her matrimonial home after death of her husband.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Petitioner nos. 1 and 2 are elder brothers of the deceased husband of the complainant, petitioner no. 3 is wife of petitioner no. 1, petitioner nos. 4 and 5 are parents-in-law of the complainant and petitioner no. 6 is brother-in-law (Nandosi) of the complainant and allegations are general and omnibus. From the complaint petition itself it is evident that there is dispute over property and the complainant has implicated the entire family members. The complainant wants to grab the entire property of the petitioners whereas petitioners are always ready to give her due share. The present case has been lodged to blackmail the petitioners. From the facts of the case, no offence under Section 498A of the Indian Penal Code is made out. The petitioners have no criminal antecedent.



5. Learned APP and learned counsel appearing on behalf of the complainant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the complainant submits that the petitioners assaulted the complainant when she demanded her share and the complainant and her two children were thrown out from matrimonial home and their properties were retained by the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the civil nature of dispute and further considering the possibility of false implication, 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.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VI, Katihar/concerned court in connection with Complaint C.A. Case No. 1260 of 2021, subject to the condition 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)

DKS/-

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

