

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28000 of 2024

Arising Out of PS. Case No.-1687 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Ashok Prasad Keshri Son Of Late Ram Kumar Keshari
 2. Shilpi Kumari Daughter Of Ashok Prasad Keshri.
Both are Resident of Village- Barachatti Bazar, P.S. Barachatti, District-
Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Gulab Chand Kumar @ Gulab Chand Keshri Son Of Naresh Prasad
Keshri Resident Of Village- Tipau, Tarwan Bazar, Ps- Wazirganj, Dist- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2024 Heard Mr.Gajendra Kumar Singh, learned counsel
for the petitioners and Mr.Chandra Sen Prasad Singh, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Complaint Case No.1687 of 2017, registered
for the offences punishable under Sections 323,380,504,34 of
the Indian Penal Code.

3. Prosecution case, in brief, as per complaint petition
of the informant Gulab Chand Kumar is that he was married
with petitioner Shilpi Kumari on 05-05-2017 and she was
brought to her sasural on next day and after marriage



complainant found his wife talking on mobile with stranger. On inquiry, the petitioner Shilpi Kumari had herself admitted that she was married with the complainant against her wish and consent. Thereafter, Shilpi Kumari started residing at her maika. It is alleged that on 29-10-2017, the complainant's wife alongwith her father and brothers came there and started assaulting him. It has been further alleged that petitioner Shilpi Kumari came to the complainant's room and removed two ring, chain and cash along with some documents and Rajiv had snatched golden chain from complainant's mother and threatened him to send behind the bar in false case.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offence as alleged in the complaint petition. Further submits that the opposite party No.2 and petitioner No.2 have filed Matrimonial Title Suit No.251 of 2020 under Section 13(B) of the Hindu Marriage Act, 1955 and on the basis of the mutual consent the marriage of opposite party No.2 and petitioner No.2 has been dissolved vide order dated 10.03.2022 passed in Matrimonial Title Suit No.251 of



2020.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and the petitioners have clean antecedent, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 learned Chief Judicial Magistrate, Gaya in connection with Complaint Case No.1687 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

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

(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 court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below 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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