

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43785 of 2023

Arising Out of PS. Case No.-1486 Year-2021 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. TUNTUN SAHNI @ TUNTUN KUMAR SAHNI Son of Nathuni Sahani Resident of village - Vijaypur, P.S. - Vishambharpur, Distt. - Gopalganj
 2. Nathuni Sahni Son of Late Manai Sahni Resident of village - Vijaypur, P.S. - Vishambharpur, Distt. - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Meena Sahni Wife of Tuntun Sahni Resident of village - Vijaypur, P.S. - Vishambharpur, Distt. - Gopalganj. At present D/o Chhathu Sahni, Resident of village - Sargahiya, P.S. - Sewarahi, Distt. - Kushinagar (Uttar Pradesh)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 08-04-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 498A, 120B and 323 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that a jointness application has been filed by the petitioner as the notice on behalf of the opposite party no. 2 was received by her father.
4. In view of the fact that jointness application has been filed as such the notice is deemed to have been validly served on opposite party no. 2.
5. Learned counsel next submits that from office report



dated 13.02.2024, it would manifest that the same records that the father of the opposite party no. 2 had received the notice. It is thus submitted that when father of the opposite party no. 2 had received the notice prior to 13.02.2024 still opposite party no. 2 chose not to appear and contest.

6. Learned counsel for the petitioners submits that petitioners are husband and father-in-law of the opposite party no. 2 respectively. It is further submitted that the opposite party no. 2 was earlier married to the elder brother of the petitioner no. 1 and from the wedlock a child was born. It is next submitted that the brother of the petitioner no. 1 died and thereafter the opposite party no. 2 married the petitioner no. 1. It is also submitted that the opposite party no. 2 after sometimes left the company of petitioner no. 1 and performed her second marriage with another person. It is thus submitted that this perhaps explains why the opposite party no. 2 despite receiving notice chose not to appear and contest. It is submitted that the child born to the opposite party no. 2 from the brother of the petitioner no. 1 is with the petitioners and their family members and they are taking care of him but the opposite party no. 2 is not even bothered about the child. It is further submitted that from perusal of the allegation as alleged in the complaint, it would manifest that the same also does not inspire confidence and the petitioner no. 2 being father of petitioner no. 1



has been implicated based on general, omnibus and ornamental allegation.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

8. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 1486 of 2021, Tr. No. 2050 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, the opposite party no. 2 shall be at liberty to file an application seeking cancellation of anticipatory bail granted to the petitioner no. 1 if she has not performed her second marriage.

(Satyavrat Verma, J)

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