

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71466 of 2023

Arising Out of PS. Case No.-396 Year-1999 Thana- BUXAR COMPLAINT CASE District-
Buxar

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1. Fatehchand Gupta, Son Of Jagnath Sah @ Jagarnath Prasad Village- Brahmaine Hanumanganj Ps- Shukhpura Dist- Ballia U.P
 2. Jagnath Sah @ Jagarnath Prasad, Son Of Late Sudama Village- Brahmaine Hanumanganj Ps- Shukhpura Dist- Ballia U.P
 3. Rajmuni Devi, Wife Of Jagnath Sah @ Jagarnath Prasad Village- Brahmaine Hanumanganj Ps- Shukhpura Dist- Ballia U.P

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bina Devi, wife of Dr. Tripurari Nath gupta Village- Chaksikandar Po- Chak Sikandar Dist- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta
For the Opposite Party/s : Mr.Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 05-04-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The learned counsel for the petitioners submits that
the registered notice has been received by the brother of the
opposite party no.2 while the service report of the ordinary
notice is awaited.

3. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 498(A), 494 and 406 of the Indian Penal Code.

4. The learned counsel for the petitioners submits that



the petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the original complainant, who was father of the present opposite party no.2. It is next submitted that opposite party no.2 was married to petitioner no.1. Fatehchand Gupta in the Year 1978, but on account of dispute in between the parties, they separated and Fatehchand Gupta has also performed his second marriage while opposite party no.2 also performed her second marriage with Dr. Tripurari Nath Gupta. It is next submitted that petitioner nos.2 and 3, who are father and mother of the petitioner no.1, came to be implicated in the instant case by the father of the opposite party no.2 based on general and omnibus allegation. It is next submitted that the case was instituted by the father of the opposite party no.2 herein, Bina Devi in the Year 1999, but thereafter the father of Bina Devi died, but prior to his death, cognizance was taken, but then, the matter was compromised as such, the petitioners thought that the case is over.

5. It is further submitted that the parties have compromised and they do not intend to pursue the case any further, on which the learned A.P.P. Sri Rabindra Kumar submits that if the parties have compromised then the petitioners should appear before the learned trial Court and bring all the said facts



as submitted and recorded herein above to the notice of the learned trial Court.

6. The learned counsel for the petitioners, at this stage, seeks permission to withdraw the instant anticipatory bail application.

7. Permission is accorded.

8. Accordingly, instant petition is dismissed as withdrawn.

9. However, in the event, if the petitioners surrender on or before 29.04.2024 along with the certified copy of the compromise entered in between the petitioners and Bina Devi along with her brother, in that event, the learned trial Court shall dispose of the case on the same day keeping in mind that the dispute is matrimonial and Fatehchand Gupta and Bina Devi have already performed their second marriage.

(Satyavrat Verma, J)

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