

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4786 of 2019

Arising Out of PS. Case No.-413 Year-2018 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. Hari Lal Pandit and Anr Late Ram Chandra Pandit, resident of Village Hari Balma, P.O.- Panchlakhi, P.S. Nautan, District Siwan.
 2. Urmila Devi, Hari Lal Pandit, resident of Village Hari Balma, P.O.- Panchlakhi, P.S. Nautan, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Babita Devi, Dipak Kumar Pandit, resident of Village Haribalma, P.O. Panchlakhi, P.S. Nautan, District- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Kumar Dubey
For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 14-07-2026

1. Heard the parties.

2. Present petition preferred by the petitioners under Section 482 of Cr.P.C. for quashing of condition no. III and V of order dated 20.07.2018 passed by Id. Sessions Judge, Gopalganj in ABP No. 1253 of 2018 arising out of Complaint Case no. 413 of 2018.

3. It is submitted by learned counsel appearing on behalf of the petitioners that conditions no. III and V of impugned order dated 20.07.2018 be deleted as same appears onerous condition and is not permissible under law,



in view of legal report of Hon'ble Supreme Court as available through ***Srikant Kumar @ Shrikant Kumar Vs. State of Bihar and Anr. 2025 SCC OnLine SC 2215.***

4. It would be apposite to reproduce the conditions imposed by learned trial court against petitioners who are in-laws while granting them anticipatory bail:-

Conditions are as follows:

i) In-laws petitioners will file affidavit sworn by them that they will insist the husband of the aggrieved legal wedded wife/complainant to provide good accommodation and livelihood to the complainant and they will insist the accused-husband to keep accompany with his legally wedded wife where he resides or he resides for hearing.

ii) Petitioners, who are In-laws, will never create any hindrance in making good harmony between both the spouses.

iii) If the aforesaid conditions is not fulfilled by the petitioners complainant-wife will be entitled to get Rs.4.000/- (four thousand) to save her from destitution and starvation condition to avoid vagrancy on every month.

iv) If the above mentioned conditions on account of which the. prayer for anticipatory bail of petitioners has been considered, on failure, the accused-petitioners do not suppose to avail the privilege of anticipatory bail and in that circumstance, the law will take its own motion accordingly and complainant may file petition for cancellation of bail-bonds of petitioners immediately U/S 437(V) Cr.P.C.

v) The acceptance of bail bond of petitioners will be conditions precedent after making



payment of Rs.4,000/-(four thousands) to the aggrieved-legal-wedded-wife for showing the honest desire to save her from starvation condition together with to avoid vagrancy.”

5. This Court is convinced enough that condition no. III and V as mentioned aforesaid is onerous condition and same is contrary to settled law, accordingly, the petition stands allowed by quashing impugned order dated 20.07.2018, with aforesaid observations/ direction.

6. Let a copy of this judgment be sent to the learned trial court forthwith.

(Chandra Shekhar Jha, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.07.2026
Transmission Date	15.07.2026

