

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-V, DANAPUR

Anticipatory Bail Application No. 9647/2022

(Arising out of Complaint Case No. 70(c)/2022)

In the matter of :-

Bhubaneswar Prasad Singh & Others

.....Petitioners

Vrs.

The State of Bihar

.....Opposite Party.

ORDER

10.01.2023

An Anticipatory bail petition has been filed on behalf of the accused-petitioners namely 1. Bhubaneswar Prasad Singh, son of late Sahadev Mahto, 2. Devanti Devi, wife of Sri Bhubaneswar Prasad Singh and 3. Gopal Krishna Gokhale, son of Sri Bhubaneswar Prasad Singh, all R/o village-Mahadev Chak, Mohaddi Chak, P.S. Koilwar, District-Bhojpur, who are apprehending their arrest in connection with Complaint Case No. 70(c)/2022, registered under Section 498(A), 313, 323, 504 of the I.P.C. and Section 4 of D. P. Act which is pending in the court of learned S.D.J.M., Danapur.

Heard the learned counsel Sri Mantu Kumar on behalf of the petitioners as well as the learned Addl. P.P. Sri Safdar Hayat on behalf of the prosecution and learned counsel for the complainant.

The case of the complainant, in brief, is that the complainant Meera Kumari alleging that her marriage was solemnized with Anand Ratan Mourya on 19.11.2013 according to Hindu rites and customs. After sometime her husband and family member of her in-laws had started torturing her in various manners. They always demanded two lakhs rupees and motorcycle. On 03.12.2013 Anand Ratan Mourya and complainant went to Belgaum, Karnataka by train where he was working. After staying with her husband she became pregnant but her husband every day torturing and assaulting her and family members of her husband every day pressuring her to have an abortion and after all these on 11.02.2014 she got miscarriage thereafter she returned to her parent house at Patna. On 10.09.2016 she issued a daughter namely Avika Ratan Mourya. After 1st issue she got her next issue on 26.12.2021 of baby boy namely Ratan. Even after both issues, in-laws family member of the complainant torturing her and demanding two lakhs rupees from the parents of the complainant every day. After 2nd issue of the complainant the family member of her in-laws house came to the parents house of complainant and started demanding two lakhs rupees and 3 katha of land and after denial by the parents of the complainant they all started abusing and assaulting the complainant and her parents. After these all they left the house of the complainant. Thereafter, she filed the complaint case.

Learned counsel for the accused-petitioners submitted that the petitioners are father-in-law, mother-in-law and devar of the complainant. The petitioners are innocent and they have committed no offence as alleged in the complaint petition. The petitioners have never demanded any type of dowry and items and also not tortured her. All petitioners have falsely been implicated in this case by the complainant due to malafide intention. The petitioners have no criminal antecedent. That earlier no bail petition has been filed on behalf of petitioners before this court or Hon'ble High Court Patna, except this one.

Learned Addl. P.P. fairly conceded that the petitioners are father-in-law, mother-in-law and devar of the complainant. The allegation against the petitioners are general and omnibus in nature.

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Learned counsel for the complainant opposed the prayer of bail.

I have heard the rival submissions of all the parties and perused the L.C.R. The accused-petitioners are father-in-law, mother-in-law and dewar of the complainant. The allegation against the petitioners are general and omnibus in nature. This is a complaint Case and this is a case of matrimonial dispute. As per Para 3 of the bail petition no criminal antecedent against accused-petitioners. Prosecution failed to produce the criminal antecedent if any against the petitioners. Considering the facts and the circumstances of the case, submission made by the parties, nature of allegation and in the light of Arnesh Kumar Vs. The State of Bihar and Others Special Leave Petition (C.R.L) No. 9127 of 2013, the accused-petitioners namely 1. Bhubaneswar Prasad Singh, 2. Devanti Devi and 3. Gopal Krishna Gokhale are hereby directed to be released on bail in the event of their arrest/surrender before the learned Trial Court within one month of the receipt of the copy of this order, on their furnishing bail bond of Rs 10,000/- (rupees Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned court below, subject to the condition laid down under section 438(2) of the Cr. P.C. with further conditions are (1) That one of the bailors will be a close relative of the accused-petitioners, (2) The petitioners will present in court whenever directed by Court to appear in person and will be duly represented through Counsel on each and every date of hearing, (3) The petitioners will co-operate in trial, and will not influence witnesses directly or indirectly in any manner and (4) Accused-petitioners as well as sureties for the purpose of identification will produce documents either Aadhar Card or Voter I-Card and Mobile numbers before the court at the time of furnishing bail bond.

True copy of above described documents after comparing with original documents and the same will be kept on record.

Any observation made herein will be inconsequential during trial or any further stage of the case.

Let a copy of this order be sent to the concerned court below for the needful and office is directed to upload the corrected copy of this order after signed by me on the website.

(Dictated)

Sd/-

Additional Sessions Judge-V
Danapur
10.01.2023