

Vishal Gera vs The State Of Bihar on 17 October, 2019

Author: Vinod Kumar Sinha

Bench: Vinod Kumar Sinha

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40912 of 2019
Arising Out of PS. Case No.-2086 Year-2016 Thana- BHAGALPUR COMPLAINT
District- Bhagalpur

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1. VISHAL GERA Son of Sri Vijay Gera Resident of Flat no.708, Migsun Homez, Sector-14, P.S-Kaushambhi, Ghaziabad, District-Ghaziabad, Uttar Pradesh.
 2. Kanika D/o Sri Vijay Gera Resident of Flat no.708, Migsun Homez, Sector-14, P.S-Kaushambhi, Ghaziabad, District-Ghaziabad, Uttar Pradesh.
 3. Suman Bala W/o Sri Vijay Gera Resident of Flat no.708, Migsun Homez, Sector-14, P.S-Kaushambhi, Ghaziabad, District-Ghaziabad, Uttar Pradesh.

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Versus

1. THE STATE OF BIHAR
2. Shailendra Kumar Singh S/o Late Mahendra Prasad Singh Advocate, Civil Court, Bhagalpur, Resident of Village-Harinagar, P.O-Akbarnagar, Anchal Sultanganj, District-Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Kumar

For the Opposite Party/s : Mr.Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 17-10-2019

This application, for grant of anticipatory bail, arises out of Complaint Case No. 2086/16, disclosing offences under Sections 323, 498(A) and 504 of the Indian Penal Code.

Petitioner no. 1 is husband of daughter of complainant, petitioner no. 2 is sister in law and petitioner no. 3 is mother in law of daughter of complainant and allegation against them is of subjecting the daughter of complainant to torture and cruelty with respect to demand of dowry.

It appears from the submission of the parties that large Patna High Court CR. MISC. No.40912 of 2019(4) dt.17-10-2019 number of cases are going on between the parties including case under Domestic Violence Act filed by the daughter of complainant, divorce case filed by petitioner no. 1 and the case under Section 498A filed by the daughter of complainant.

Submission of learned counsel for the petitioners is that petitioner no. 1 (husband) and daughter of complainant are in job and they are working with multinational companies and one after another cases are being filed. It has also been submitted that petitioner nos. 2 and 3 are in-laws of the daughter of the complainant and they have also been dragged in this false case and no specific allegation has been attributed to them. Further submission is that petitioner no. 1 undertakes to cooperate in disposal of the case.

Heard learned A.P.P. as well as learned counsel appearing on behalf of complainant. Learned counsel for the complainant has submitted that an order has been passed by the Magistrate in the case under Domestic Violence Act, in which, there is direction to petitioner no. 1 to pay Rs. 10,000/- per month but upto now only part payment has been made and huge amount is due with petitioner no. 1, to which, learned counsel for the petitioners submitted that petitioner no. 1 undertakes to pay the due amount within a period of six months as well as the Patna High Court CR. MISC. No.40912 of 2019(4) dt.17-10-2019 current amount and will also cooperate in disposal of case and appear as and when required.

Having heard both sides, considering the facts and circumstances, this application is allowed. Provisional bail earlier granted to the petitioners vide order dated 03.07.2019 passed in Cr. Misc. No. 40912 of 2019 is confirmed with condition that petitioner no. 1 will clear all the due amount as per the order of learned Magistrate passed in the case of Domestic Violence Act within six months in three equal installments, failing which, opposite party no. 2 will be at liberty to move for cancellation of bail bonds of the petitioners and he will continue to pay the above amount unless the above order is modified or set aside by any higher court.

(Vinod Kumar Sinha, J) sunilkumar/-

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