

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22605 of 2015

Arising Out of PS.Case No. -988 Year- 2004 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Geeta Devi wife of Sri Shankar Patel
 2. Chhotelal Patel son of Late Faujdar Patel Both residents of Mohalla - Prakash Nagar, Naya Tola, Narkatiaganj, P.S. - Shikarpur, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rupa Devi wife of Chhotelal Patel and daughter of Late Vijay Patel resident of Mohalla - Hospital Road, Bettiah Town, P.S. - Bettiah Town, District - West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Mustaque Alam(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 17-09-2015

The office note dated 16.09.2015 reflects

that opposite party no. 2 refused to receive the ordinary process of notice. In the circumstances, the notices issued to opposite party no. 2 treated to be deemed valid service. The matter is listed under the heading 'For orders on office note', but since opposite party no. 2 has refused to receive the notice, it is treated to be deemed validly served and the matter is being taken up on merits.

The petitioner no. 2 being the husband of the complainant and petitioner no. 1 being sister-in-law (Bhabhi) of petitioner no. 2 are apprehending their arrest in a complaint

case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

On submission of learned counsel for the petitioners that the complainant has performed second marriage, the notices were issued to the complainant.

Keeping in view of the fact that the complainant has chosen not to appear and controvert the above contention of the petitioners.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, West Champaran at Bettiah in connection with Complaint Case No. 988-C of 2004, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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