

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42971 of 2014

Arising Out of PS.Case No. -111 Year- 2014 Thana -SIMRI BAKHTIARPUR District- SAHARSA
=====

1. Bilat Paswan son of Late Nirdhan Paswan
2. Anil Paswan
3. Radhey Paswan @ Radhe Shayam Paswan sl. No.2 and 3 sons of Bilat Paswan
4. Kiran Devi daughter of Bilat Paswan
5. Jania Devi wife of Bilat Paswan all residents of village Sitanabad, ward no.1 p.s. Bakhtiarpur, Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Binod Kumar (App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR

MANDAL

ORAL ORDER

3 20-05-2015 Heard learned counsel for the petitioners and Mr. Binod Kumar learned APP for the State.

The petitioners state that a supplementary affidavit has been filed on 28.04.2015 stating therein that there is no injury report on record relating to the informant and/or her daughter who are said to have received some injuries at the hands of the petitioners. A copy thereof has been placed on record by the counsel for the petitioners.

Petitioners, five in number, are facing accusations punishable under section 498-A IPC. Petitioner no.1 is the husband, whereas petitioner nos. 2, 3 and 4 are the step sons and

step daughter of the informant. Petitioner no.5 is the second wife of petitioner no.1 and full sister of the informant. The FIR depicts the manner in which the domestic violence was perpetrated on her by the petitioners.

It has been stated that neither the informant nor her daughter received any injury in the alleged occurrence. Even going by the allegation, prima face, no case under section 498-A IPC is made out. The petitioners undertake not to repeat any such offence with the lady (informant). They have denied the allegation that they do not support the mother of petitioner no.1.

Having regard to the submissions of the parties, the present writ application is disposed of by the following manner:-

Let the petitioners surrender in the court below within three weeks from today. The learned court below/Chief Judicial Magistrate, Saharsa or the court in seisin of the matter shall verify from the records as to the presence of any injury sustained either by the informant or her daughter. If there is any such injury report of these persons showing grievous injury the court below shall reject their prayer for release on bail. However, if no such injury report is available on record respecting the informant and her daughter, the petitioners shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like

amount each to the satisfaction of the court in seisin of the matter in Bakhtiarpur P.S. Case No. 111/2014 on condition that one of the bailors of each of the petitioners shall be own/close family members. In the event of framing of charge, petitioners shall appear in person on each date fixed buy the trial court. Failure in appearance on two consecutive dates without there being any compelling reasons therefor the trial court shall be at liberty to cancel their bail bonds.

(Kishore Kumar Mandal, J)

HR/-

U			
---	--	--	--