

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30587 of 2014

Arising Out of PS.Case No. -99 Year- 2013 Thana -MAHILA PS District- JAMUI

- =====
1. Kedar Nath Barnwal Son of Late Mahavir Barnwal
 2. Satyabhama Devi Wife of Kedar Nath Barnwal
 3. Indradeo Prasad Barnwal Son of Kedar Nath Barnwal
 4. Bebi Devi Wife of Rajesh Kumar Barnwal, D/o Kedar Nath Barnawal
 5. Nageshwar Banrwal, Son of Late Mahavir Barnwal All are residents of Village-Sarebad, P.S.-Sono, District-Jamui. Petitioner No.-4 at present residing at Asansol, P.S.-Asansol, District--Asansol, (West Bengal)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Anita Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 04-02-2015 At the outset, it is submitted that this application has already been withdrawn so far as it relates to petitioner nos. 3 to 5.

Heard learned counsels for the petitioners and the State.

The petitioner nos. 1 and 2 are apprehending arrest in a case registered for the offences punishable under Sections 498A,323,327,354 and 379/34 of the Indian Penal Code and sections 3 and 4 of Prevention of Witch (Dyne) Practices Act.

It is alleged by the informant that after the marriage the informant gave birth to two children but subsequently her husband was killed for which a Complaint Case was filed by the informant. The petitioners are not ready to give her share in the

property situated at Deoghar and she has been driven out of the house.

It is submitted by learned counsel for the petitioner nos. 1 and 2 that on the death of informant's husband, U.D. Case No. 3 of 2009 was registered at the behest of petitioner no. 1 in which the complicity of the petitioners never surfaced though after a month and eight days of the death of informant's husband, the informant filed Complaint Case no. 540C of 2009. It is further submitted that partition of property has taken place and since the informant has greedy eye on the property of Deoghar, hence the present case has been lodged to pressurize the petitioners.

Considering the nature of accusation, let the above named petitioner nos. 1 and 2 be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Jamui in connection with Jamui Mahila P.S. Case No. 99 of 2013 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner nos. 1 and 2 will be accepted on filing of an affidavit by them before the learned court below that they will allow the informant to enjoy her share of

property as per the partition claimed by the informant. The said affidavit will be transmitted by the learned court below to the concerned I.O.

(Dinesh Kumar Singh, J)

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