

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5573 of 2015

Arising Out of PS.Case No. -1896 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

- =====
1. Abdul Gafur Rain S/O Late Abdul Rajjaque Rain
 2. Kamrul Nisha W/O Abdul Gafur Rain
- Both Resident of vill-Hanuman Nagar,P.S-Sursand,Distt.-Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
 2. Salima Khatoon W/O Gulam Jilani & D/O-Sah Mohammad Rain
- Presently Resident of vill-Marpha,P.S-Kanhauli,Distt.-Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary (APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-02-2015 Heard learned counsel for the petitioners and the State.

The petitioner being the parents-in-law of the complainant are apprehending their arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

Basic accusation is of torture.

It is submitted by the learned counsel for the petitioners that petitioners have no objection in allowing the complainant to enjoy her share of property in the matrimonial house.

It is submitted by the learned counsel for the

complainant that the husband of the complainant is residing abroad and these petitioners are not allowing the complainant to enjoy her share of property in the matrimonial house.

Considering the present stands of the petitioners, 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, Sadar Sitamarhi in connection with Complaint Case No. C-1/1896 of 2013, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The bail bond of the petitioners should be accepted by the learned court below on filing affidavit to the effect that they will allow the complainant to enjoy her share of property in the matrimonial house. The said affidavit will be transmitted to the local Police Station. The violation of undertaking made in the affidavit will give liberty to the learned court below to cancel the bail bonds of the petitioners.

(Dinesh Kumar Singh, J)

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