

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38664 of 2015

Arising Out of PS.Case No. -51 Year- 2011 Thana -PUPRI District- SITAMARHI

- =====
1. Janak Nandani Devi, wife of Rambriksh Pandit. null
 2. Suresh Pandit, son of Rambriksh Pandit.
 3. Sunita Devi, wife of Suresh Pandit. All resident of village Yaddupatti, PS- Pupari, Dist.- Sitamarhi.
 4. Kiran Kumari, daughter of Rambriksh Pandit and wife of Rajesh Kumar Pandit, resident of village Bira Chhapara, PS- Shyampur Bhatahan, Dist.- Sheohar (wrongly given as resident of village Yaddupatti, PS- Pupari, Dist.- Sitamarhi in the FIR).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh
For the Opposite Party/s : Mr. Narsing Tanti(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-09-2015 Heard learned counsels for the petitioners and the State.

The petitioners being mother, brother, brother's wife and sister of the husband of the informant are apprehending arrest in a case registered for the offences punishable under Sections 448,341,323 and 316/34 of the Indian Penal Code.

The accusation is of assaulting the informant and due to assault the pregnancy got terminated.

It is submitted by the learned counsel for the petitioners that the medical report does not suggest the case of termination of pregnancy. The same has been brought on record as Annexure 2. It

is further submitted that on conclusion of investigation the police submitted final form as mistake of fact but differing with the same order of cognizance was passed on 16.4.2015. Statements to that effect have been made in paragraphs 8 and 9 of the petition. More over, at earlier point of time the informant also lodged Bathnaha P.S. Case No. 180 of 2009 against the petitioners side levelling accusation under sections 498A,323 and 504 IPC.

Considering the fact that the accusation is not being corroborated by medical opinion and the accusation was not found to be true during investigation, let the above named petitioners 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 SDJM, Pupri at Sitamarhi in connection with Pupari P.S. Case No.51 of 2011 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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