

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38729 of 2014

Arising Out of PS.Case No. -61 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

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1. Ram Prabesh Singh S/o Late Pachisan Singh
2. Sona Devi W/o Ram Pravesh Singh Both r/o vill.- Barka Lauhar, P.S.-
Barahara, Dist- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Yash Singh

For the Opposite Party/s : Mr. Manish Kr. 2(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 15-04-2015 Heard learned counsel for the petitioners and learned

counsel appearing on behalf of the informant as well as learned

Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with
Mahila P.S. (Bhojpur) Case No.61/14 registered for the offences
punishable under Sections 498(A)/341, 323, 307 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the
informant has mental problem and as such she is living in her
parent's home. It is further submitted that on account of being
mentally sick, the informant had got burnt while cooking and had
been taken to Sadar Hospital Ara, by her in-laws for treatment
which finds support from the prescription of the informant Supriya
Devi, dated 22.08.2010 of Sadar Hospital, Ara (Bhojpur).

Learned counsel for the informant however, submits that they had been subjecting the girl in question to torture but since the girl had gone back because of an amicable solution, and, therefore, no case had been registered against the accused persons earlier.

Learned counsel for the petitioner however, points out that if the situation was such, that the girl in question was not in a position to live with her husband as she was extremely sick and for the that reason alone she has been living in her *Naihar*. It has further been submitted by learned counsel for the petitioner that being constrained by her continuous absence, the husband filed Matrimonial Case being Matrimonial Case No. 335 of 2013 on 10.04.2013. Earlier also the son of the petitioners had filed informatory petition on 23.10.2013 in the Court of Chief Judicial Magistrate, Ara, alleging that his wife is mentally disturbed and that parents of the informant are threatening to implicate him and his family members in criminal cases if the informant is not accepted in her matrimonial home.

Learned counsel for the informant has however, submitted that the matrimonial suit was filed only after lodging of the First Information Report and that husband has also re-married on 07.05.2014 even prior to the decision in the matrimonial case.

The petitioners being parents of the husband of the

informant do not deserve the benefit of anticipatory bail.

However, considering the nature of allegations and facts and circumstances of the case, let the petitioners above named, in the event of their arrest / surrender within a period of two weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the each amount to the satisfaction of the learned S.D.J.M., Ara in connection with Mahila P.S. (Bhojpur) Case No. 61/14, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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