

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45869 of 2014

Arising Out of PS.Case No. -574 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Indu Trivedi Wife of Late Rajeshwar Trivedi
2. Madhuri Kumar @ Madhuri Daughter of Late Rajeshwar Trivedi Both
are resident of Mohalla - Kurji, West Manpura, P.S. - Digha, District -
Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rachna Kumar Wife of Omkar Nath Trivedi, Daughter of Mahesh
Pandey Both are resident of Mohalla - Kurji, West Manpura, P.S. - Digha,
District - Patna at present residing at Village - Amkharia, P.S. - Sajour,
District - Bhagalpur.

.... Opposite Party/s

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with

Criminal Miscellaneous No.47118 of 2014

Arising Out of PS.Case No. -574 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Omkar Nath Trivedi @ Onkar Nath Trivedi @ Bablu Son of Late
Rajeshwar Trivedi Resident of Mohalla - Kurji, West Manpura, P.S. Digha,
District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Rachna Kumar Wife of Omkar Nath Trivedi, Daughter of Mahesh
Pandey Resident of Mohalla - Kurji, West Manpura, P.S. Digha, District -
Patna, at present residing at village - Amkharia, P.S. Sajour, District -
Bhagalpur

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.45869 of 2014)

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. S.D.Singh Yadav(App)

(In Cr.Misc. No.47118 of 2014)

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. P.N.Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

4 03-07-2015

The petitioners in Cr. Misc. 45869 of 2014 are the
mother-in-law and sister-in-law of the complainant whereas

petitioner of Cr. Misc. No. 47118 of 2014 is husband of the complainant. Considering the above, both the applications have been heard together with the consent of the parties and are being disposed of by the present order.

Heard Mr. Rajesh Kumar for the petitioners and Mr. Vishwajeet Mishra for the complainant.

Precisely, the allegation is that the husband and other family members soon after marriage with the complainant tortured her for want of non-fulfillment of demand of dowry inasmuch she was forced to live with her father and presently she is residing her father.

Both the husband and wife are present in person. The consideration of the matter was adjourned enabling both of them to talk to each other with the help of their counsels. It has been stated before me that there is no common ground available between them. Mr. Mishra informs the Court that a proceeding for maintenance i.e. Misc. Case No. 51 of 2012 is pending in which the husband-petitioner has appeared.

Mr. Rajesh Kumar, on instruction, states that pending consideration of the maintenance proceeding and subject to the result of the same, the husband-petitioner, who is legally bound to support his wife, would be paying a sum of Rs. 2,000/- as interim

maintenance which, however, shall be made subject to the final order which the Court will pass in the pending maintenance proceeding.

Mr. Mishra states that the bank account number of the complainant shall be furnished to the husband as also to the Court in the pending proceeding.

Taking into account the aforesaid facts, I am persuaded to privilege anticipatory bail to the petitioners of both the cases. In the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bhagalpur in Complaint Case No. 574 of 2012 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers in each case shall be the own/close family members of the petitioners.

(ii) Along with the bail bonds, the petitioner of 47118 of 2014 (husband) shall produce receipt showing payment/deposit of a sum of Rs. 6,000/- which shall be for the months of June, July and August, 2015. In case the petitioner (of Cr. Misc. No. 47118

of 2014) defaults in regular payment of the amount which has been fixed herein to the complainant or in her account until it is altered by the Court in the pending proceeding, it will be open to the complainant to move the Court for cancellation of bail whereafter the Court will pass appropriate orders in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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