

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19675 of 2015

Arising Out of PS.Case No. -238 Year- 2014 Thana -KAJI MUHAMMADPUR District-
MUZAFFARPUR

- =====
1. Yashbala Shahi Wife of Surya Prasad Shahi
 2. Surya Prasad Shahi son of Late Ramphal Shahi.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Ataur Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-05-2015 Heard learned counsels for the petitioner and the State.

The petitioners being the parents of the husband of the informant are apprehending arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of the dowry demand.

It is submitted by learned counsel for the petitioners that the husband of the informant filed Matrimonial Suit No. 437 of 2013 thereafter the present FIR was registered and thrust of accusation is against the husband of the informant.

It is submitted by learned counsel for the informant that within few months of marriage, matrimonial suit was filed

maliciously and notices were issued to the petitioners under Section 41(A) of the Cr. P.C., hence they had no apprehension for being arrested.

Considering the thrust of accusation against the husband of the informant and mere issuance of notice under Section 41(A) of the Cr. P.C. does not preclude the police to arrest the accused under Section 41A(3)(4) of the Cr. P.C., 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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Muzaffarpur in connection with Kazi Mohammadpur P.S. Case No. 238 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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