

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50323 of 2015

Arising Out of PS.Case No. -201 Year- 2015 Thana -AMARPUR District- BANKA

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1. Prashant Kumar Son of Kailash Yadav
 2. Satyajeet Kumar Son of Kailash Yadav
 3. Kailash Yadav Son of Late Govind Yadav
 4. Prabhawati Devi @ Prabha Devi Wife of Kailash Yadav All are resident of village - Douna, P.S. Sahkund, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi Wife of Rajiv Kumar @ Banti, D/o Sri Yogendra Yadav at present resident of village - Baja, P.S. Amarpur, District - Banka

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioners being the brothers and parents of the husband of the informant are apprehending arrest in a case registered for the offences punishable under Sections 498A, 504 and 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that marriage between the informant and co-accused Rajiv Kumar @ Banti in the year 2009 is admitted. The husband of the informant

filed Matrimonial Suit No. 55 of 2012 with a prayer for divorce on 27.02.2012 and thereafter the present FIR was registered on 02.07.2015.

It is submitted by learned counsel for the informant that the husband of the informant is in Army service and the torture is being inflicted by these petitioners.

Learned counsel for the petitioner further submits that the petitioner is ready to allow the informant to enjoy her share of property in the matrimonial house.

Considering the thrust of accusation against the husband of the informant, 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 C.J.M., Banka in connection with Amarpur P.S. Case No. 201 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners shall be accepted by learned court below on filing separate affidavit by the petitioners that they shall allow the informant to enjoy her share of property in the matrimonial house. The said affidavit will be transmitted by

the learned court below to the concerned police station.

(Dinesh Kumar Singh, J)

