

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52541 of 2013

Arising Out of PS.Case No. -223 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Arun Saxsena @ Arun Kumar Saxsena S/O Late Ram Dyal Paswan Resident Of Mohalla - Purandrapur, Near Khublal Tea Shop, P.S. Jakkanpur, District - Patna
 2. Gauri Devi W/O Sri Arun Saxsena Resident Of Mohalla - Purandrapur, Near Khublal Tea Shop, P.S. Jakkanpur, District - Patna
 3. Kunal Kumar Saxsena @ Kunal Kumar S/O Sri Arun Saxsena Resident Of Mohalla - Purandrapur, Near Khublal Tea Shop, P.S. Jakkanpur, District - Patna
 4. Soni Devi @ Anamika W/O Sri Mahipal Rai Resident Of Mohalla - Purandrapur, Near Khublal Tea Shop, P.S. Jakkanpur, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Poonam Devi, W/o Avinash Kumar Paswan @ Raju Saxena S/o Kedar Nath Paswan, r/o & P.O. Mokama Ghat, P.S. Mokama, Dist-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Sharma

For the Opposite Party/s : Mr. Anand Kishore Choudhary(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

8 25-03-2015 Heard learned counsel for the petitioners and learned counsel for the State.

This application under section 438 of the Code of Criminal Procedure has been filed by the petitioners for anticipatory bail in connection with Complaint Case No. 223(c) of

2013 in which cognizance has been taken for the offences punishable under section 498(A) of the Indian Penal Code.

It has been contended that there is general and omnibus allegation against all the accused persons, and no specific role has been attributed against the petitioners. The complainant left her matrimonial house on her free volition, and no such occurrence, as alleged in the complaint, ever took place. The husband of the complainant has already been granted bail on 29th July, 2013, and so far as petitioner nos. 1 and 2 are concerned, they are old aged persons living separately from the husband of the complainant after partition in the joint family, and petitioner no.4 is married sister-in-law(Nanad) living with her husband, away from the family of the complainant's husband.

Learned counsel appearing on behalf of opposite party no.2 has opposed the prayer for bail. He has submitted that petitioner nos. 1 and 2, being father-in-law and mother-in-law respectively as well as petitioner no.3, being the brother-in-law(Bhaisur), are living with the complainant's husband in the same house, and there is allegation that they also subjected the complainant to cruelty for non-fulfilment of the demand of dowry.

Be that as it may, having regard to the facts and circumstances of the case, in the event of arrest or surrender, the

above named petitioners are directed to be released on 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 Subdivisional Judicial Magistrate, Barh, subject to the conditions as laid down under section 438(2) Cr.P.C.

(Ashwani Kumar Singh, J)

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