

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4460 of 2016

Arising Out of PS.Case No. -369 Year- 2009 Thana -COMPLAINT CASE District- LAKHISARAI

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1. Munna Kumar Sinha @ Manoj Kumar Sinha, Son of Late Abhinay Kumar Sinha @ Lal Babu
 2. Sushila Devi, wife of Late Abhinay Kumar Sinha @ Lal Babu
 3. Ranjana Devi @ Ranjana Sinha Wife of Raj Kumar Sinha
 4. Rubi Kumari, Daughter of Late Abhinay Kumar Sinha @ Lal Babu
 5. Dharam Kumar Sinha @ Dharmendra Sinha @ Dharam Sinha son of Late Abhinay Kumar Sinha @ Lal Babu
 6. Arvind Kumar Sinha, Son of Late Abhinay Kumar Sinha @ Lal Babu
 7. Bindu Kumar Sinha @ Binod Kumar Sinha @ Bindu Sinha Son of Late Abhinay Kumar Sinha @ Lal Babu
 8. Bacchu Sinha, Son of Late Damodar Sinha all residents of Village-Barhara, P.S.- Halsi, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ruka Devi Wife of Munna Kumar Sinha @ Manoj Kumar Sinha a resident of Barhara, P.S.- Halsi, District- Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Sadanand Paswan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 30-01-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 504 of the Indian Penal Code and 3/4 of SC/ST (Prevention of Atrocities) Act.

The basic accusation is of torture.



It is submitted by learned counsel for the petitioners that, though, complaint was filed in 2009 but the order of cognizance was under challenge in Criminal Revision No. 219 of 2011 since for the same offence Halsi P.S. Case No. 51 of 2009 was registered at the behest of the complainant wherein petitioner no. 1 Munna Kumar Sinha @ Manoj Kumar Sinha was granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 43940 of 2009. The petitioner no. 1 disputes the factum of marriage and in the voter list the husband of the complainant is Sarowar Paswan. The accusation, prima facie, does not constitute any offence under Section 3/4 of SC/ST Act and on 15.12.2015 the warrant of arrest has been issued after the disposal of above mentioned criminal revision application.

Considering the nature of accusation and the fact that the factum of marriage is in dispute coupled with this fact that for the same accusation police case was registered in which petitioner no. 1 has been granted anticipatory bail, let the above named petitioners be released on anticipatory bail, in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties

of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Lakhisarai in connection with Complaint Case No. 369(C) of 2009, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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