

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11042 of 2016

Arising Out of PS.Case No. -4 Year- 2016 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Byas Parit @ Byas Pandit, son of Ramanand Parit
 2. Ramanand Parit @ Ramanand Pandit, son of Late Banshi Parit
 3. Kalawati Devi, wife of Ramanand Parit
 4. Madhu Devi wife of Byas Parit

All are residents of Village-Kathhaiya Bishunpura, P.S-
Nautan(Jagdishpur), District-West Champaran

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-03-2016 Petitioners being brother, parents and brother's wife of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The prosecution case is that the informant got married with Sunil Pandit in the year 2000 and after nine years of marriage the husband of the informant died leaving behind three daughters. Subsequently the in-laws people agreed to solemnize marriage with the brother of the late husband of the informant namely Lalan Pandit. The matrimonial relationship, sometimes got cordial and thereafter torture was inflicted for demand of rupees one lac and motorcycle and consequently the informant was being driven

out from the matrimonial house.

It is submitted by learned counsel for the petitioners that there are omnibus and general against the entire in-laws family including the petitioners. The second marriage of the informant was solemnized on the persuasion of the in-laws family without any dowry. The informant earlier filed Complaint Case No. 2245C of 2013, wherein cognizance was taken only against the husband of the informant and brother of the husband of the informant who is petitioner No. 1 before this Court. They are on bail in the earlier case.

It is submitted by learned counsel for the informant that informant is being tortured at the hands of the petitioners also and they are not allowing the informant to enjoy her husband's share of property in the matrimonial house.

It is submitted by learned counsel for the petitioners that petitioners have no objection in allowing the informant to enjoy her husband's share of property in the matrimonial house.

Considering the fact that thrust of accusation is against the husband of the informant, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, 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 Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Nautan(Jagdishpur) P.S. Case No. 04 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Dinesh Kumar Singh, J)

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