

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14316 of 2016

Arising Out of PS.Case No. -68 Year- 2015 Thana -GUTHNI District- SIWAN

- =====
1. Markandey Shukla Son of late Surya Bhan Shukla
 2. Hare Krishna Shukla Son of Shree Markandey Shukla
 3. Nikhil kumar Shukla@Nikhil shukla Son of Shree Markandey Shukla
- All are Residents of Village tenua, Police Station Guthani, District Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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With

Criminal Miscellaneous No.12663 of 2016

Arising Out of PS.Case No. -68 Year- 2015 Thana -GUTHNI District- SIWAN

- =====
1. Binda Devi Wife of Shree Markandey Shukla
 2. Annu Kumari Daughter of Shree Markandey Shukla
 3. Mannu Kumari @ Manu Kumari, Daughter of Shree Markandey Shukla
- All are residents of village Tenua, Police Station Guthani, District – Siwan.
4. Dhanu Devi Wife of Bablu Daughter of Shree Markandey Shukla
- resident of village Harbalma, Police Station and District – Siwan.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjita Devi w/o Hare Ram Shukla resident of village – Tenua, P.O. + P.S. Guthani, District – Siwan presently reside at village – Dehura, P.O. Patar Bazar, P.S. Asaon, District – Siwan.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.14316 of 2016)

For the Petitioner/s : Mr. Satya Nand Shukla

For the Opposite Party/s : Mr. Sanjay Kumar Pandey(App)

(In Cr.Misc. No.12663 of 2016)

For the Petitioner/s : Mr. Satya Nand Shukla

For the Opposite Party/s : Mr. Sanjay Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 26-07-2016

Heard learned counsels for the petitioners

and the State.



The petitioners being the father, brothers, mother, unmarried and married sisters of the husband of the informant apprehending their arrest in a case registered for the offences punishable under Sections 498A, 307, 323 and 379/34 of the Indian Penal Code.

The basic accusation is of torture after ten years of marriage. It is alleged that the accused persons assaulted the informant and her children and made an attempt to cause burn injury. It is further alleged that the accused persons snatched jewellery and clothes when the brother and sister of the husband of the informant caught hold of the hand of the informant, the father-in-law pressed neck and the mother-in-law caused injury with hot iron rod.

It is submitted by learned senior counsel for the petitioners that the husband of the informant has not been made accused and the simple dispute was that the informant wanted to reside with her husband at his place of employment at Delhi, who was not taking her to Delhi due to the lack of adequate financial capability. The medical report does not corroborate the accusation as there is specific accusation that the hands of the informant were caught hold by the brother and sister of the husband of the informant but there is no such injury



found on the hands. There is no injury on the neck when the father-in-law alleged to have pressed the neck. Though, one burn injury on the right forearm of marginal size and one injury on the right leg have been found but the size of injury of right leg has not been mentioned. Both the injuries have been found to be simple in nature. The petitioners are ready to allow the informant to enjoy her share of property in the matrimonial house.

Learned counsel for the informant submits that the main dispute is that the husband is not taking care of the informant at the instance of the petitioners.

Considering the nature of dispute and the accusation not being corroborated with the medical opinion, let the above named petitioners be released on anticipatory bail provisionally for eight months, in the event of 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 Chief Judicial Magistrate, Siwan in connection with Guthani P.S. Case No. 68 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioners will be accepted by the learned court below on filing separate affidavit

to the effect that they will allow the informant to enjoy her share of property in the matrimonial house. The learned court below will get transmitted the said affidavit to the concerned police station. The learned court below will issue notice to the husband of the informant and will make an effort to get the issue resolved between the informant and her husband.

The provisional bail of the petitioners will be confirmed by the learned court below after taking report from the concerned police station with regard to allowing the informant to enjoy her share of property in the matrimonial house.

(Dinesh Kumar Singh, J)

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