

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12688 of 2016

Arising Out of PS.Case No. -183 Year- 2015 Thana -KASIMBAZAR District- MUNGER

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1. Aftab Alam
2. Mahtab Alam
Both Sons of Late Md. Ahmad Resident of Mohalla-Amin Colony, Lodi
Katra, Near Gandhi Setu, Police Station-Khajekalan, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rubi @ Rubi Sheikh D/o Md. Naimuddin, Mohalla – Hajratganj, Khau

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Veena Kumari Jaiswal

For the Opposite Party/s : Mr. Ram Bachan Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 20-05-2016

Heard learned counsels for the petitioners,

State and the informant.

The petitioners being the brothers of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 498A, 379, 315 and 316 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand. It is also alleged that the petitioners and others used to assault the informant. The last assault was made to the informant on 12.12.2014 and thereafter

the informant went to Mumbai at the place of the employment of her father on 14.12.2014 and was treated at D.Y. Patel Hospital on 17.12.2014 when the pregnancy got terminated and dead child was born.

It is submitted by learned counsel for the petitioners that the accusation of assault is not specific against the petitioners. For the last incident of 12.12.2014 the complaint was filed on 04.10.2015 which came to be registered as police case on 17.10.2015. No medical report has been brought on record along with the complaint petition to the effect that the pregnancy got terminated due to the assault. The petitioners claimed to be separate from the husband of the informant.

It is submitted by learned counsel for the informant that accusation of assault is also levelled against the petitioners and since the informant went to her father's place of employment at Mumbai, hence, the delay was caused in lodging the complaint.

Considering the delayed lodging of the complaint and 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 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, Munger in connection with Kasim Bazar P.S. Case No. 183 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J)

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