

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13657 of 2016

Arising Out of PS.Case No. -91 Year- 2015 Thana -KOTWALI District- MUNGER

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Afsana Khatoon, W/o Md. Samim, R/o Haji Suman, P.S.- Kotwali, District-
Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Gulnar Begum(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 08-08-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the step mother of the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 379, 506, 498A and 504/34 of the Indian Penal Code.

Prosecution case as per the written report of the informant Samo Praveen is that on 06.04.2015 when the informant returned from her parental house to the matrimonial house she found the lock of the door was replaced. When she asked about the same from the petitioner being her step mother-in-law then the petitioner demand Rs.50,000/- cash, Freez, T.V., bed and ornaments as dowry for allowing the informant to stay in the matrimonial house. It is further alleged that the accused persons

assaulted the informant by iron rod, bite on her right thigh and snatched her gold ear-ring.

It is submitted by learned counsel for the petitioner that the petitioner being the step mother of the husband of the informant roped in the present case in the background of share of property dispute. The petitioner claims to be separate from the husband of the informant. Though, the specific accusation of causing injury is on the right thigh of the informant whereas the injury report does not suggest any injury on the right thigh of the informant. The injury report suggests swelling on the skull, pain in abdomen and a cut mark on the above right eye brow of marginal size.

It is further submitted that the petitioner is ready to allow the informant to enjoy her share of property in the matrimonial house.

It is submitted by learned APP for the State that the accusation is specific against the petitioner.

Considering the nature of accusation, the accusation not being corroborated with the medical opinion and the present stand of the petitioner, let the above named petitioner be released on anticipatory bail provisionally for six months, in the event of arrest or surrender before the learned Court below within a period of 12

weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Munger, in connection with Kotwali P.S. Case No.91/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on filing of affidavit to the effect that she will not interfere into the conjugal rights of the complainant and allow the complainant to enjoy her share property in matrimonial house. It is expected that the learned Court below shall get the said affidavit transmitted to the concerned police station.

The provisional bail of the petitioner will be confirmed by the learned Court below after taking a report from the concerned police station with regard to the compliance of undertaking given before this Court by the petitioner.

(Dinesh Kumar Singh, J)

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