

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23598 of 2016

Arising Out of PS.Case No. -78 Year- 2016 Thana -PATORI District- SAMASTIPUR

- =====
1. Sita Devi @ Sitabia Devi, wife of Satrugan RAI
 2. Ravi Shankar Kumar @ Dewar Ravi Shankar Kumar son of Satrugan Rai Both are resident of Village- Madhopur, P.S.- Patori, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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With

Criminal Miscellaneous No.23635 of 2016

Arising Out of PS.Case No. -78 Year- 2016 Thana -PATORI District- SAMASTIPUR

- =====
1. Surendra Rai @ Suren Rai son of Shatrugha Rai. resident of Village- Madhoour, p.S.-Patori, district- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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With

Criminal Miscellaneous No.23640 of 2016

Arising Out of PS.Case No. -78 Year- 2016 Thana -PATORI District- SAMASTIPUR

- =====
1. Arbind Rai @ Bhaisur Arwind Rai
 2. Anil Rai @ Bhaisur Anil Rai. Both sons of Strudhan Rai.
 3. Runna Devi @ Gotani Runna, Wife of Arbind Rai.
 4. Rekha Devi @Gotani Rakha Devi Wfie of Biren Rai.
 5. Indu Devi @ Nand Indu Devi, Daughter of Satrudhan Rai. All are resident of village -Madhopour, P.s. -Patori, District-Samastipour.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.23598 of 2016)

For the Petitioner/s : Mr. Ashok Kumar Mishra

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

(In Cr.Misc. No.23635 of 2016)

For the Petitioner/s : Mr. Ashok Kumar Mishra
For the Opposite Party/s : Mr. Anant Kumar(App)
(In Cr.Misc. No.23640 of 2016)
For the Petitioner/s : Mr. Ashok Kumar Mishra
For the Opposite Party/s : Mr. Dinesh Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 25-07-2016

Heard learned counsels for the petitioners
and the State.

In Cr. Misc. No. 23598 of 2016 the petitioners are mother and the brother of the husband of the informant whereas in Cr. Misc. No. 23635 of 2016 the petitioner Surendra Rai @ Suren Rai is the husband of the informant and in Cr. Misc. No. 23640 of 2016 the petitioners are elder brothers, brothers' wives and sister of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 147, 341, 323, 498A, 302, 201 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The prosecution case is that the informant was married with petitioner Surendra Rai about seven years prior to the lodging of the FIR. The accused persons used to inflict torture for non-fulfillment of the demand of motorcycle and cow. On 02.03.2016 at 4.30 P.M. the accused persons started abusing the informant when the husband of the informant and the husband's brother snatched eight months old child from the

informant and throttled him.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. The accusation of throttling of the child is against husband Surendra Rai and his brother. The informant, in her subsequent statement, recorded in paragraph 5 of the case diary, has said that the Birendra Rai, the brother of her husband, throttled the victim. Birendra Rai is not petitioner before this Court. Post-mortem of the child of the informant has not conducted and, in fact, the child died due to some illness.

Learned APP after going through the case diary has not controvert the above contention of the counsel for the petitioners. However, it is submitted by learned APP that the accusation of torture is there and the child was alleged to have been throttled by the husband of the informant, namely, Surendra Rai and his brother Birendra Rai.

Considering the thrust of accusation against the husband of the informant, this Court is not inclined to grant anticipatory bail to petitioner of Cr. Misc. No. 23635 of 2016 namely, Surendra Rai @ Suren Rai. Accordingly, the prayer for anticipatory bail of petitioner Surendra Rai @ Suren Rai is rejected.

So far as petitioners of Cr. Misc. Nos. 23598 of 2016 and 23640 of 2016 are concerned, the accusation is omnibus and general against them, let the above named petitioners of Cr. Misc. Nos. 23598 of 2016 and 23640 of 2016 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, Samastipur in connection with Patori (Mohanpur) P.S. Case No. 78 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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