

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24334 of 2016

Arising Out of PS.Case No. -1181 Year- 2014 Thana -MADHEPURA COMPALINT CASE
District- MADHEPURA

- =====
1. Souhagiya Devi, W/o Sita Ram Yadav.
 2. Sitaram Yadav @ Sitaram Yadav, S/o Late Ayodhi Yadav.
 3. Bhikhari Yadav
 4. Naresh Yadav Both S/o Sita Ram Yadav All resident of Village- Jeerva,
P.S.- Shankarpur, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Brij Mohan Yadav, S/o Late Jamun Yadav, resident of village- Mathali
Bazar, P.S.- Shankarpur, Dist.- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Arun Kr.Singh 5(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-05-2016 Heard learned counsels for the petitioners and the

State.

The petitioners being parents and brother of the husband of the complainant's daughter and the husband of the complainant's daughter are apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Sections 498A,494,323,504 and 506 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non

fulfillment of dowry demands.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against the entire inlaws family and the petitioner no. 4 has not performed second marriage. On instruction it is submitted that the petitioner no. 4 admits his marriage with the complainant's daughter and is ready to keep her as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 8 of the petition which reads as follows:

“ That the petitioner no. 4 is always willing to keep Kanchan Devi as his lawful and legally wedded wife and to bestow upon her all love and affection to which is she entitled to and welcomes Kanchan Devi to her matrimonial home.”

Considering the present stand of the petitioner no. 4, let the above named petitioner no. 4 be released on provisional anticipatory bail for one year in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class,

Madhepura in connection with Complaint Case No. 1181 C of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant's daughter and on her appearance the petitioner will take her to keep her as wife with full dignity and honour.

The provisional bail of the petitioner no.4 will be confirmed by the learned court below in three eventualities –
(i) if the matrimonial harmony is substantially restored or
(ii) if the complainant's daughter fails to appear before the learned court below or (iii) if the complainant's daughter deliberately gets reluctant to reconcile the issue but if the substantial proof comes that the petitioner no. 4 has performed second marriage then he will surrender and pray for regular bail.

Considering the stand of petitioner no. 4, let the above named petitioner nos. 1 to 3 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 bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the

satisfaction of learned JM Ist Class, Madhepura in connection with the aforementioned case subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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