

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39670 of 2016

Arising Out of PS.Case No. -264 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Meena Devi Wife of Dinesh Prasad, resident of Village- Bhelahi, P.S.-
Palanwa, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sarita Devi Wife of Late Anil Prasad Gupta and daughter of Sri Binod Prasad, resident of Village- Bhiswa, P.S.- Pokhariya, District- Parsa (Nepal).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv

For the Opposite Party/s : Mr. Sri Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 14-09-2016 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the complainant.

Petitioner being the mother of the late husband of the complainant is languishing in custody since 4.7.2016 in a case registered for the offence punishable under Section 498A of the I.P.C.

Accusation is of torture for non-fulfillment of dowry demand, a Colour T.V and cash of Rs. 2 lacs.

It is submitted by learned counsel for the petitioner that the petitioner was granted provisional bail by a coordinate Bench of this Court vide Cr. Misc. No. 49799 of 2014, order dated 16.07.2015 on undertaking that she will take care of the

complainant and her child but after some time the complainant claimed maintenance and share. It is also submitted that the petitioner being the old lady is not ready to keep her but she is ready to give share. A statement to that effect has been made in Para 10 of the petition which reads as follows:-

“16. That, the petitioner is not ready to keep complainant with her, but she is ready to give share in the favour of his grand-son.”

It is submitted by the learned counsel for the complainant that the petitioner was given provisional bail on condition that she will take care of the informant and her child but deliberately she failed to do so.

Considering that the petitioner is an old lady and the undertaking made in Para 10 of the petition, let the petitioner be released **on provisional bail for four months** on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Raxaul in connection with Trial No. 39 of 2016 arising out of Complaint Case No. C 264 of 2013.

The provisional bail of the petitioner will be confirmed by the learned Court below if the petitioner comply the undertaking made in para 10 of the application.

(Dinesh Kumar Singh, J)

Prakash/-

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