

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26662 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -MAHILA PS District- GOPALGANJ

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1. Rajkali Devi @ Rajkali Pathak, Wife of Mahatam Pathak
 2. Jitendra Pathak, Son of Mahatam Pathak.
 3. Priti Devi, Wife of Jitendra Pathak.
- All resident of Village-Kateya, P.S.-Kateya, District-Gopalganj

.... Petitioners

Versus

1. State of Bihar.
2. Akriti Pathak, D/o Prahlad Pandey, resident of village-Phulwariya, Pandey Tola, P.S.-Kuchaikot, District-Gopalganj.

.... Opposite Parties

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Appearance:

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-06-2016 Heard learned counsels for the petitioner and the State.

Petitioners being mother, brother and brother's wife of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 498(A)/34 and 406/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general in nature. There is no specific accusation against the petitioners. The husband of the informant filed matrimonial suite no. 49 of 2016 on 23.02.2016 before the Principal Judge, Siwan and thereafter the present case

was registered on 30.03.2016. The petitioners claim to reside separately from the husband of the informant. Considering that, petitioners are ready to keep the informant with full dignity and honour and they shall allow the informant to enjoy her share of property in the matrimonial house.

Considering the aforesaid facts, let the petitioners above named in the event of her arrest or surrender before the Court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Gopalganj in connection with Gopalganj Mahila P.S. Case No. 12 of 2016 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioners shall be accepted by the learned court below on filing affidavit to the effect that they shall allow the informant to enjoy her share of property in the matrimonial house. The said affidavit will be transmitted to the concerned police station. The non-compliance of undertaking will give liberty to the learned court below to cancel the bail bonds of the petitioners.

(Dinesh Kumar Singh, J.)

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