

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28958 of 2016

Arising Out of PS.Case No. -70 Year- 2016 Thana -EKMA District- SARAN

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1. Jay Ram Mahto son of Late Prabhunath Mahto
 2. Hewanti Devi wife of Jay Ram Mahto.
 3. Soni Kumari @ Soni Devi, daughter of Jay Ram Mahto.
 4. Muni Kumari, daughter of Jay Ram Mahto
 5. Renu Kumari daughter of Jay Ram Mahto

.... Petitioner/s

Versus

1. THE STATE OF BIHAR null null
2. Sima Devi [Complainant/ Informant], wife of Mahendra Mahto, daughter of Late Tega Mahto, Resident of Village- Jahingra, PS- Baniyapur, District- Saran (Chapra).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Rai, Advocate

For the Opposite Party/s : Mr. Smt. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-07-2016 Heard learned counsels for the petitioners and the State.

The petitioners being the parents and sisters of the husband of the informant are apprehending arrest in a case registered for the offences punishable under Sections 323, 498A, 379 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against entire in-laws

family including the petitioners. Moreover, the thrust of accusation is against the husband of the informant, who wants to keep the informant as wife with full dignity and honour. The husband of the informant has also filed Matrimonial Suit No.21/2016 for restitution of conjugal rights. The petitioners are still ready to allow the informant to enjoy her share property in the matrimonial house.

Learned APP for the State however submits that accusation of torture is also against the petitioners.

Considering the thrust of accusation against the husband of the informant, let the above named petitioners be released on anticipatory bail, 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) each with two sureties of the like amount each to the satisfaction of the learned CJM, Saran (Chapra) in connection with Ekma P.S. Case No.70/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners shall be accepted by the learned court below on filing of separate affidavit to the effect that they will 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.



Ashwini/-

(Dinesh Kumar Singh, J)

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