

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30098 of 2016

Arising Out of PS.Case No. -58 Year- 2015 Thana -DHURAIYA District- BANKA

- =====
1. Bijay Sharma son of late Uchit Sharma
 2. Gopal Sharma son of Bijay Sharma
 3. Kabita Devi wife of Gopal Sharma

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Md. Ansarul Haque, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 31-08-2016 Heard learned counsels for the petitioners and the State.

Petitioner no.1 being husband and petitioner nos. 2 and 3 being step son and daughter in-law of the complainant are apprehending arrest in a complainant case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323, 341 and 504/34 of the Indian Penal Code.

Basic accusation is of torture. It is also alleged that the accused persons assaulted the complainant.

It is submitted by learned counsel for the petitioners that though the complaint was filed on 20.01.2015, but the complainant died natural death at her matrimonial house on 11.05.2015.

Mr. J. N. Thakur, learned APP for the State after going through the case diary submits that the accusation of assault is omnibus and general against all the accused persons.

Considering the omnibus and general nature of accusation, let petitioner nos. 2 and 3 above named 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 Judicial Magistrate, 1st Class, Banka, in connection with Dhoraiya P.S. Case No.58/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Considering the thrust of accusation against petitioner no.1, namely, Bijay Sharma, being husband of the complainant, let the learned Court below consider his prayer for regular bail, if he surrenders within a period of six weeks in connection with Dhoraiya P.S. Case No.58/2015, pending before the learned Judicial Magistrate, 1st Class, Banka.

With the above observation, this application so far as it relates to petitioner no.1 is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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