

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32748 of 2016

Arising Out of PS.Case No. -1308 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Umakant Das son of Rajendra Das.
 2. Lalmuni Devi wife of Rajendra Das.
 3. Shanti Devi @ Sita Devi.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Adv.

For the Opposite Party/s : Mr. Md. Arif(APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-08-2016 Heard learned counsels for the petitioners and the State.

The petitioners being the elder brother, mother and brother's wife of the husband of the complainant are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 323 of the Indian Penal Code.

The basic accusation is of torture for non-fulfillment of the dowry demand. It is alleged against the petitioner no.1 that he used to force the complainant to establish illicit relationship.

It is submitted by the learned counsel for the petitioners that the accusation is omnibus and general. The petitioners claim to be separate from the complainant and her husband. Learned court below has not taken cognizance under Section 354 of the

IPC against petitioner no.1. Thrust of accusation is against the husband of the complainant. It is further submitted that the petitioners are ready to allow the complainant to enjoy her share of property in the matrimonial house.

Considering the thrust of accusation against the husband of the complainant and present stand of the petitioners, 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 Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Danapur in connection with Compliant Case No. 1308C of 2013, 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 separate affidavit by each petitioner that they will allow the complainant to enjoy her share of property in the matrimonial house and will not interfere in day-to-day life of the complainant.

(Dinesh Kumar Singh, J)

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