

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31232 of 2016

Arising Out of PS.Case No. -29 Year- 2015 Thana -MAHILA P.S. District- BHAGALPUR

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1. Mohan Sharma S/o late Sunder Sharma
 2. Sunita Devi W/o Mohan Sharma
 3. Kaushik Sharma S/o Mohan Sharma All the resident of Village- Pirpaiti Bazar, P.S. Pirpaiti, District Bhagalpur
 4. Soni Devi W/o Munna Sharma Resident of Sanhaula, P.S. Sanhaula, District Bhagalpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra

For the Opposite Party/s : Mrs. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-08-2016

Heard learned counsel for the parties.

The petitioners being the parents, brother and sister of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under sections 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demands. It is also alleged that the husband of the informant has performed second marriage, hence the informant refused to resume conjugal life.

It is submitted by the learned counsel for the petitioners that the thrust of accusation is against the husband of the informant. The accusation against the petitioners is omnibus and

general. Petitioner no.4, Soni Devi, sister of the husband of the informant, married prior to marriage of the informant and resides at her matrimonial house. All the petitioners are ready to allow the informant to enjoy her share of property in the matrimonial house.

Considering the thrust of accusation against the husband of the informant, let the abovenamed petitioners be released on anticipatory bail, in the event of their arrest or surrender before the learned court below within a period of twelve 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 S.D.J.M., Bhagalpur in Bhagalpur Mahila P.S. Case No. 29/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

The bail bond of the petitioners will be accepted by the learned court below on filing of affidavit to the effect that they will not interfere into the conjugal life of the informant and allow the informant to enjoy her share of property in matrimonial house. It is expected that the learned court below shall get the said affidavit transmitted to the concerned police station.

(Dinesh Kumar Singh, J)

Surendra/-

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