

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45094 of 2016

Arising Out of PS.Case No. -705 Year- 2008 Thana -GAYA COMPLAINT CASE District- GAYA
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Vina Devi Wife of Late Krishna Nand Dhokari

.... Petitioner/s

Versus

1. The State of Bihar

2. Ruby Devi Wife of Sri Madhava Nand Dhokari @ Bachchu Jee

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Sri Murlidhar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 19-10-2016 Heard learned counsels for the petitioner and the

State.

The petitioner being the mother of the husband of the complainant is 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 120B of the Indian Penal Code.

Basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner claims to be separate from the husband of the informant and there was a partition suit between the petitioner

and her son which was disposed of by the Lok Adalat on 13.12.2007 hence in the background of property dispute the accusation has been levelled when the complainant has not made her husband as accused.

It appears that the complaint was filed in 2008 and the petitioner preferred ABP No.2637/2016, which was disposed of by the learned Sessions Judge on 06.09.2016 with a direction to surrender, but the present anticipatory bail application has been preferred on 17.10.2016.

It is submitted by learned counsel for the petitioner that several accused persons have been granted anticipatory bail, but the petitioner was not aware about the order being passed by the learned Sessions Judge on 06.09.2016.

Considering the fact that the complaint was filed in 2008 and the present application has been preferred in 2016, this Court is not inclined to grant anticipatory bail to the petitioner, but keeping in view of the nature of accusation it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case

No.705/2008, pending before the learned Judicial Magistrate,
1st Class, Gaya.

With the above observation, this application is,
accordingly, disposed off.

(Dinesh Kumar Singh, J)

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