

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46607 of 2016

Arising Out of PS.Case No. -49 Year- 2016 Thana -MAHILA PS District- JEHANABAD

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1. Munna Prasad, S/o Late Nanhak Prasad.
 2. Shyamful Devi, W/o Sri Munna Prasad.
 3. Baiju Prasad @ Baiju Kumar, S/o Munna Prasad.
 4. Mukesh Kumar, S/o Munna Prasad.
 5. Indu Devi, W/o Baiju Prasad. All are resident of Mohalla- Panch Mahalla, Gilanpar, P.S. and District- Jehanabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.45744 of 2016

Arising Out of PS.Case No. -49 Year- 2016 Thana -MAHILA PS District- JEHANABAD

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Santosh Kumar S/o Sri Munna Prasad, Resident of Mohalla- Panchmahalla, P.S.- Jehanabad, District- Jehanabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.46607 of 2016)

For the Petitioners : Mr. N.K. Agrawal, Sr. Adv.
: Mr. Dhananjaya Nath Tiwari, Adv.
For the Opposite Party : Mr. J.N. Thakur, APP

(In Cr.Misc. No.45744 of 2016)

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Adv.
For the Opposite Party : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 27-10-2016 Heard learned counsels for the petitioners and the State.

The petitioners of Cr. Misc. No. 46607 of 2016 being the father, mother, brothers and sister of the husband of the informant are apprehending arrest and petitioner of Cr. Misc. No.

45744 of 2016 being the husband of the informant is languishing in custody since 01.09.2016 in a case registered for the offences punishable under Sections 341, 323, 195A, 504, 307, 498A and 506/34 of the Indian Penal Code and 4 of the Dowry Prohibition Act.

The prosecution case is that the informant was married with Santosh Kumar on 12.02.2015. Immediately after the marriage, the torture was inflicted as a result Nawada Mahila P.S. Case No. 29 of 2015 was filed by the informant levelling accusation under Sections 498A, 379, 341, 504 and 313/34 of the IPC and 3/4 of the Dowry Prohibition Act. The petitioner Santosh Kumar, in pursuance to the order dated 29.01.2016 passed in Cr. Misc. 54071 of 2015 in connection with Nawada Mahila P.S. Case No. 29 of 2015 was granted provisional anticipatory bail for one year on his submission that he is ready to keep the informant as wife with full dignity and honour. Thereafter, he took the informant to Delhi at his place of working. The provisional bail of petitioner Santosh Kumar was to be confirmed by the learned court below on substantial restoration of matrimonial harmony or if the complainant fails to appear before the learned court below or if she gets reluctant to reconcile the issue. At Delhi also, the petitioner started abusing the informant and her family members



and also assaulted her. He further and started demanding Rs.2,00,000/- as dowry and jewellery of her mother otherwise threatened to perform second marriage. The husband of the informant also threatened the informant to implicate her in some false cases. On 26.08.2016, the informant was brought to Jehanabad where all the accused persons started pressurizing the informant to withdraw the earlier case. The accused persons attempted to cause burn injury by pouring kerosene oil. On 01.09.2016, attempt was made to throttle the informant and she was confined in a room by the accused persons but she anyhow flee away and reached to Mahila police station and lodged the present case.

It is submitted by the learned counsel for the petitioners that marriage on 12.02.2015 between the informant and petitioner Santosh Kumar is admitted. Earlier the informant lodged Mahila Nawada P.S. Case No. 29 of 2015 levelling accusation under Sections 498A, 379, 341, 504 and 313/34 of the IPC and 3/4 of the Dowry Prohibition Act. Though, the matter was referred to the mediation centre but the issue could not be reconciled. It is further submitted that the informant went to Delhi along with the petitioner Santosh Kumar on 4th February, 2016 but thereafter she of her own came to Jehanabad and lodged the present case

maliciously. The accusation of assault on 01.09.2016 as alleged in the FIR is omnibus and general and the petitioner Santosh Kumar is apprehensive due to conduct of the informant.

It is submitted on behalf of petitioners of Cr. Misc. No. 46607 of 2016 that the informant went to Delhi in company of her husband Santosh Kumar and so far as accusation of 1st of September, 2016 is concerned, the same is omnibus and general. The injury report of the informant reflects abrasion on neck, right side chest, right forearm, left wrist and right leg, total five injuries have been found. The size of the injuries has not been given in the injury report which suggests the injury caused by hard and blunt substance simple in nature.

Learned counsel for the informant submits that the informant tried to reconcile the issue but she was tortured and brutally assaulted not only by her husband but also by family members of her husband.

Considering the omnibus and general accusation against petitioners of Cr. Misc. No. 46607 of 2016, let them 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, Jehanabad in connection with Jehanabad (Mahila) P.S. Case No. 49 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as petitioner of Cr. Misc. No. 45744 of 2016 is concerned, considering the nature of accusation and period under custody let he be released on bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Jehanabad in connection with Jehanabad (Mahila) P.S. Case No. 49 of 2016.

(Dinesh Kumar Singh, J)

Amrendra/-

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