

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43470 of 2016

Arising Out of PS.Case No. -468 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

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1. Geeta Singh @ Geeta Prasad Singh wife of Late Bhagwat Singh
 2. Parvati Devi @ Parvati Kumari wife of Geeta Singh @ Geeta Prasad Singh

Both resident of Mohalla- New Court Area, P.S.- Lakhisarai (Kabaiya O.P.), District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Heera Kumari Daughter of Krishnandan Singh and wife of Tripurari Prasad resident of Mohalla- New Court Area, P.S.- Lakhisarai (Kabaiya O.P.), District- Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Sri Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-10-2016 Heard learned counsel for the petitioners and the State.

The petitioners being the maternal uncle and aunt of husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 504, 498A, 506/120B of the Indian Penal Code and 3/4 of the Dowry Prohibition

Act.

The prosecution case is that informant Heera Kumari got married with Tripurari Prasad on 11th March, 2015. Subsequently, torture was inflicted, leading to filing of Complaint Case No. 196C of 2016 on 30.03.2016 against the husband and other in-laws members with accusation under Sections 323, 498A, 380/34 of the Indian Penal Code, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act. In the said case the petitioners were not accused, but in the said case the husband of the informant Tripurari Prasad preferred anticipatory bail before the learned Sessions Judge Vide A.B.P. No. 492 of 2016, on the direction of learned Sessions Judge for getting the issue reconcile, the complainant and her husband came to the house of the petitioners for getting the issue reconcile and during reconciliation it is alleged that the informant's husband and other family members including these petitioners not only made assault but tried to strangle her.

It is submitted by learned counsel for the petitioners that petitioners in earlier Complaint Case were not made accused. The father-in-law of the informant Shyam Kishore Singh filed Complaint Case No. 622 of



2016 on 03.09.2016 with accusation under Sections 323, 504, 506, 452, 380, 307 of the Indian Penal Code against the father of the present informant, hence there is case and counter case between the parties. Specific statement has been made in para-12 of the petition that none from the either side have received any injury which reads as follows:-

“That it is also relevant to state here that in the said altercation, no injury has been sustained by any of the parties. The allegation of strangulation by pushing her neck is absolutely false and concocted.”

Considering the accusation being omnibus and general and thrust of accusation is against the husband of the informant and his family members, let the above named petitioners be released on provisional anticipatory bail for two months in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 468 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on verification of

the fact that informant has not received any grievous injury.



(Dinesh Kumar Singh, J)