

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39133 of 2016

Arising Out of PS.Case No. -121 Year- 2016 Thana -RAJNAGAR District- MADHUBANI

- =====
1. Sunaina Devi W/o Ram Nath Prasad Resident of Village - Satghara, P.S. - Raj Nagar, District - Madhubani.
 2. Jagdish Sah S/o Ram Narayan Sah @ Narayan Sah Resident of Village – Kesion, P.S. - Raj Nagar, District - Madhubani.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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with

Criminal Miscellaneous No.42564 of 2016

Arising Out of PS.Case No. -121 Year- 2016 Thana -RAJNAGAR District- MADHUBANI

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Ram Nath Prasad, son of Asarfi Sah Resident of Villlage- Satghara P.S.- Rajnagar, District- Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.39133 of 2016)

For the Petitioners : Mr. Sushil Kumar Jha, Adv.

For the Opposite Party : Mr. Sri Mritunjay Kumar Nirala, APP

(In Cr.Misc. No.42564 of 2016)

For the Petitioner : Mr. Sushil Kumar Jha, Adv.

For the Opposite Party : Mr. Sri Nityanand Tiwary, 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.39133 of 2016 being the mother and brother-in-law (bahnoi) of the husband of the informant and petitioner of Cr. Misc. No.42564 of 2016 being the father of the husband of the informant are apprehending arrest in a

case registered for the offences punishable under Sections 341, 323, 324, 504, 506, 376/511, 498A and 379/34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of informant Sangita Devi is to the effect that she was married with Santosh Prasad about ten years prior to the lodging of the case. After six months of the marriage, the petitioner Ram Nath Prasad being the father-in-law of the informant started outraging her modesty and when the informant made protest then the father-in-law, Ram Nath Prasad, husband, Santosh Prasad, mother-in-law, Sunaina Devi and brother-in-law Jagdish Sah started to outrage her modesty. Though, three children were born out of the wedlock. On 07.06.2016 at 9 PM when the informant was sleeping with her two children, the father-in-law of the informant, Ram Nath Prasad came and tried to ravish her when the informant raised alarm then her husband Santosh Prasad, brother-in-law Jagdish Sah, Mother-in-law and Sunaina Devi came and started assaulting with iron rod and lathi. It is also alleged that Jagdish Sah assaulted with iron rod as a result her left hand got fractured. The mother-in-law Sunaina Devi put red chilly powder on the body of the informant and brother-in-law, Jagdish Sah after making her naked dragged her on the road. Jagdish Sah also snatched gold necklace of the informant

worth Rs.10,000/-.

It is submitted by the learned counsel for the petitioners that the accusation appears to be unreasonable as the accusation of outraging modesty has been levelled against all the family members, though, specific against father-in-law. The accusation of outraging modesty is against the father-in-law has been levelled after six months of marriage whereas the present FIR has been lodged after ten years of the marriage maliciously due to the dispute with regard to share of property dispute.

Learned APP, after going through the case diary, submits that there is no injury report in the case diary and some of the witnesses have stated that due to property dispute, the accusation has been levelled, though, family members of the informant have supported the accusation. Though, the counsel for the petitioners submits that superficial simple injury has been found by the doctor.

Considering the omnibus and general nature of accusation against Sunaina Devi and Jagdish Sah, the accusation being not corroborated by the medical opinion petitioners of Cr. Misc. No. 39133 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 C.J.M., Madhubani in connection with Raj Nagar P.S. Case No. 121 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as Ram Nath Prasad, petitioner of Cr. Misc.No.42564 of 2016 is concerned, since the accusation is specific against him, this Court is not inclined to grant anticipatory bail to him.

Let the learned court below consider the prayer for bail of Ram Nath Prasad, petitioner of Cr. Misc. No. 42564 of 2016 if he surrenders within a period of six weeks.

(Dinesh Kumar Singh, J)

Amrendra/-

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