

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48907 of 2016

Arising Out of PS.Case No. -17 Year- 2013 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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Chandrika Devi W/o- Late Yogendra Yadav, Resident of Village- Latauna,
P.S.- Tribeniganj, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kendula Devi @ Prabha Devi w/o Om Prakash Yadav, resident of
village Latauna P.S. Tribeniganj District Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 22-12-2016 Heard Mr. Md. Nafisuzzoha, learned counsel for the

petitioner and learned Additional Public Prosecutor .

The sole petitioner, who is mother- in- law of the
complainant /opposite party no. 2 has prayed for grant of bail in
the event of her arrest or surrender in Complaint Case No. 17 of
2013.

By way of referring to the facts disclosed in the
complaint petition it was argued by learned counsel for the
petitioner that marriage of complainant with her son who was
arrayed as accused no. 1 was solemnized about 16 years back. It
has been argued that the son was residing separately and there is
no specific accusation against the petitioner in the complaint



petition. Besides allegation of Section 498A of the Indian Penal Code, there is also allegation of Section 494 of the Indian Penal Code. It was submitted by learned counsel for the petitioner that so far offence under Section 494 of the Indian Penal Code is concerned, it is only applicable against the husband .

Be that as it may, keeping in view the nature of accusation , the fact that marriage was solemnized about 16 years back and petitioner being mother –in- law, there is no reason to deny the prayer for anticipatory bail. Accordingly , in the event of arrest or surrender within a period of six weeks from today, let the petitioner Chandrika Devi be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Madhepura / concerned court in connection with Complaint Case No.17 of 2013 subject to the conditions as contemplated under Section 438(2) of the Code of Criminal Procedure 1973.

(Rakesh Kumar, J)

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