

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40649 of 2016

Arising Out of PS.Case No. -90 Year- 2016 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Subhash Paswan Son of Late Yogi Paswan.
 2. Savitri Devi, Wife of Subhash Paswan
 3. Kavita Kumari D/o- Subhash Paswan
 4. Mandeep Paswan, son of Subhas Paswan. All resident of Village-
Akauna, P.S.- Pakaridayal, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ranjana Bharati, Wife of Sandeep Paswan resident of Village- Akauna,
P.S.- Pakaridayal, District- East Champaran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gopal Sharan Singh, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-10-2016 Heard learned counsels for the petitioners and the State.

The petitioners being the parents, sister and brother of the husband of the informant are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 498A, 406, 313, 315 and 506/34 of the Indian Penal Code.

The prosecution case is of torture for non-fulfillment of the dowry demand. It is specifically alleged that the accused persons assaulted the informant on 15.06.2016, particularly the parents of the husband of the informant assaulted on abdomen as a result the pregnancy of the informant got terminated.

It is submitted by the learned counsel for the petitioners that the accusation against the petitioners is omnibus and general.

The petitioners claim to be separate from the husband of the informant. Thrust of accusation is against the husband of the informant. The husband of the informant is still ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the husband wants to keep the victim with all dignity and decorum....”

It is further submitted that the petitioners are ready to allow the informant to enjoy her share of property in the matrimonial house.

It is submitted by learned counsel for the informant that there is specific accusation of assault against the parents of the husband of the informant and the victim was examined in Sadar, Hospital, Motihari, East Champaran on 19.06.2016. The said medical document issued by Dr. Ashok Kumar Deokuliar, M.O., Sadar Hospital, Motihari dated 29.06.2016 suggests only pain in whole body. The said report does not suggest that the pregnancy got terminated due to assault.

Considering the nature of accusation not being corroborated by the medical opinion, let the above named petitioners 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 ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Motihari, East Champaran in connection with Pakaridayal P.S. Case No. 90 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners shall be accepted by the learned court below on filing separate affidavit by each petitioner that they will allow the informant to enjoy her share of property in the matrimonial house. The learned court below will get the said affidavit transmitted to the concerned police station.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--