

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39539 of 2016

Arising Out of PS.Case No. -300 Year- 2015 Thana -COMPLAINT CASE District- SHEOHAR

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1. Aajama Khatoon wife of Late Md. Yousuf.
 2. Md. Shajid son of late Md. Yousuf.
 3. Shahnaj Khatoon @ Sahnaj wife of Md. Shajad.
 4. Anisa Khatoon wife of Shabir

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Adv.

For the Opposite Party/s : Mr. Manish Kumar 2, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-09-2016

Heard learned counsels for the petitioner and the State.

The petitioners being the mother, elder brother, brother's wife and married sister of the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 307 of the Indian Penal Code.

The prosecution case is that the complainant got married with the co-accused Md. Samsad and gave birth of two children. The accused persons particularly the husband and elder brother of the husband of the complainant used to assault the complainant for non-fulfillment of further demand of dowry of motorcycle and ₹2 lacs. It is also alleged that the assault was also made to the

complainant while she was pregnant.

It is submitted by the learned counsel for the petitioners that the accusation against the petitioners are omnibus and general and thrust of accusation is against the husband of the complainant. There is no injury report on record. The husband of the complainant filed Matrimonial Suit No. 183 of 2016 for restitution of conjugal life. The petitioners claim to be separate from the husband of the complainant.

It appears from the impugned order that the complainant was ready to go to the matrimonial house but no assurance was given by the petitioners to allow her to go to matrimonial house.

It is further submitted by learned counsel for the petitioners that the petitioners are ready to allow the complainant to enjoy her share of property, though, to that effect no statement has been made in the petition.

Considering the accusation being omnibus and general, thrust of accusation against the husband of the complainant and the present stand of the petitioners, 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 C.J.M., Sheohar in connection with Complaint Case No. C-1/300 of 2015, 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 complainant 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/-

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