

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8047 of 2016

Arising Out of PS.Case No. -253 Year- 2015 Thana -LAKHISARAI District- LAKHISARAI

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1. Vikram Saraf Son of Shankar Saraf resident of Shiwdih, p.s. Shiwdih,
District - Birbhum (West Bengal).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.3872 of 2016

Arising Out of PS.Case No. -253 Year- 2015 Thana -LAKHISARAI District- LAKHISARAI

- =====
1. Vikas Saraf Son of Shankar Saraf (Brother - in - law)
 2. Shankar Kumar Saraf @ Shankar Saraf, S/o Late Ramswarup Saraf
(Father - in - Law)
 3. Gauri Devi Saraf @ Gouri Saraf, W/o Shankar Saraf (Mother - in - law)
All are resident of Shiwdih, P.S. - Shiwdih, District - Birbhum (West
Bengal).
 4. Priyanka Agrawal Wife of Sunil Agrawal, Resident of Main Bazar,
P.O. Muraroi, District - Birbhum (West Bengal).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.8047 of 2016)

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Madhuri Lata(App)

(In Cr.Misc. No.3872 of 2016)

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Kr.Veerendra Narayan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

8 25-10-2016

The petitioner Vikram Saraf (Cr. Misc. No. 8047 of 2016) being husband of the informant and petitioners Vikas Saraf, Shankar Kumar Saraf @ Shankar Saraf, Gauri Devi Saraf @ Gouri Saraf and Priyanka Agrawal(Cr. Misc. No. 3872 of 2016) being brother, parents and married sister of the husband of the informant are apprehending their arrest in a

case registered for the offences punishable under Sections 323, 341, 342, 498A, 406, 384, 387, 420, 307, 354A, 509 of the Indian Penal Code.

The prosecution case is that the informant filed Complaint Case No. 149(C) of 2015 on 17.03. 2015 which came to be registered after the complaint being transferred under Section 156(3) Cr.P.C to police station as Lakhisarai P.S. Case No. 253 of 2015 on 09.04.2015. The prosecution case as per the complainant/informant is that she was married with petitioner Vikram Saraf on 29.01.2015 at Lakhisarai which is 50 kilometer away from her matrimonial house. On the next date of the marriage i.e. on 30.01.2015 at 1:00 P.M, on the mobile of the father of the informant, the father-in-law of the informant namely Shankar Kumar Saraf rang up and informed that informant is seriously ill. When the informant's family reached there they found marks of injuries on the body of the informant when they came to know that further dowry demand of Scorpio vehicle was made and for non-fulfilment of the same, torture was inflicted. On 31.01.2015 the informant was brought by her family members to her parents' house. The informant's family thereafter tried to pacify the issue but it was ultimately realized that only for cheating the informant's family, the marriage was performed.

It is submitted by learned counsel for the petitioners that informant was suffering from some kind of

schizophrenia and this fact was concealed though she was treated for the same from before, medical report to that effect has been collected by the investigating agency. Hence, the marriage was never been consummated and a matrimonial suit with a prayer for divorce was filed though subsequent to the present F.I.R.

It is submitted by learned counsel for the informant that there is nothing on record to suggest that informant is suffering from schizophrenia and it appears very unreasonable that on very next date of the marriage, the informant was being assaulted by the accused persons and second day of marriage she was driven out from the matrimonial house.

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority vide order dated 18.04.2016. The report of the Mediator at Flag-A dated 11.07.2016 reflects that the issue could not be resolved due to the hard and blunt attitude of the husband of the informant. Subsequently the matter was adjourned on joint prayer of the parties to make effort to resolve the issue in the official Chamber of Mr. Sanjay Singh, Advocate, who submits that the issue could not be resolved due to the apathetic attitude of the husband of the informant.

Considering rival submissions of the parties,

this Court is of the view that thrust of accusation is against the husband of the informant Vikram Saraf (Cr. Misc. No. 8047 of 2016) who in spite of ample opportunity being given by this Court, chose to remain indifferent. Hence, this Court is not inclined to grant bail to the petitioner, Vikram Saraf. The application with regard to prayer for bail of petitioner Vikram Saraf(Cr. Misc. No. 8047 of 2016) stands rejected.

So far as petitioners Vikas Saraf, Shankar Kumar Saraf @ Shankar Saraf, Gauri Devi Saraf @ Gouri Saraf and Priyanka Agrawal(Cr. Misc. No. 3872 of 2016) are concerned, it is submitted by learned counsel for the petitioners that they will allow the informant to enjoy her husband share of property in the matrimonial house.

Considering the accusation being omnibus and general against petitioners Vikas Saraf, Shankar Kumar Saraf @ Shankar Saraf, Gauri Devi Saraf @ Gouri Saraf and Priyanka Agrawal(Cr. Misc. No. 3872 of 2016) and the present stand of the petitioners, let them, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond 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 P.S. Case No. 253 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioners will be accepted by learned Court below on filing separate affidavit to the effect that they will allow the informant to enjoy her share of property in the matrimonial house. Let learned Court below transmit the said affidavit to the concerned police station.

(Dinesh Kumar Singh, J)

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