

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5142 of 2016

Arising Out of PS.Case No. -41 Year- 2015 Thana -RUDRAPUR District- MADHUBANI

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1. SUNIL KUMAR SADAI @SUNIL SADAI Son of Jitan Sadai
 2. Jitan Sadai Son of Kari Sadai
 3. Kari Sadai Son of Late Sukhan Sadai
 4. Sonia Devi Wife of Kari Sadai
 5. Lalita Devi @ Laliya Devi Wife of Jitan Sadai All Resident of village
+ P.S. Rudrapur, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwanath Prasad Singh
For the Opposite Party/s : Mr. Md.Arif(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-06-2016 Petitioner No. 1 being alleged husband of the informant and petitioner Nos. 2 to 5 being father, grand-father, grand-mother and mother of petitioner No. 1 are apprehending their arrest in a case registered for the offences under Sections 147, 149, 323, 342, 379, 354, 307, 504, 506 and 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand and making assault.

It is submitted by learned counsel for the petitioners that petitioner No. 1 was forcefully married with the informant. At the time of marriage petitioner No. 1 was aged about 13 years whereas informant was aged about 12 years. The petitioner No. 1 has filed Title Suit No. 11 of 2015 on

07.02.2015 declaring the marriage as null and void whereas the present F.I.R was registered on 05.05.2015.

It is submitted by learned counsel for the informant that informant was validly married with the petitioner but subsequently she was being driven out from the matrimonial house.

In the alternative, petitioner No. 1 is ready to make payment Rs. 800/- to the informant from July, 2016, by depositing the same in the bank account of the informant by second week of every succeeding month. Learned counsel for the informant submits that informant is ready to accept the offer of the petitioner No. 1 and she will submit her bank account number within a period of three weeks by submitting the same on affidavit before learned Court below.

Considering the fact that Title Suit No. 11 of 2015 was filed prior to lodging of the F.I.R and the present stand of petitioner No. 1, let the petitioner No. 1, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jhanjharpur in connection with Rudrapur P.S. Case No. 41 of 2015.

The aforesaid payments will be subject to any

order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment will give liberty to the informant to file appropriate application for cancellation of bail of the petitioner No. 1.

The present order in no way will preclude the parties to resolve the issue otherwise.

Considering the present stand of petitioner No. 1, let the petitioner Nos. 2 to 5, above named, 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 Judicial Magistrate, 1st Class, Jhanjharpur in connection with Rudrapur P.S. Case No. 41 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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