

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10508 of 2016

Arising Out of PS.Case No. -210 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Ram Janam Mishra Son of Jagdish Mishra
2. Ajit Kumar Mishra @ Raja Babu @ Ajit Kumar Son of Ram Janam Mishra All resident of Village- Jata Kata, P.S.- Gai Ghat, District- Mujaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Priti Kumari Wife of Late Sujit Mishra D/O Bhagwan Lal Thakur Resident of Village- Jata Kata, P.S.- Gai Ghat, District- Mujaffarpur, At present Address Daughter of Sri Bhagwan Lal Thakur, Resident of Village- Sursand Back Side of Rani Mandir, P.S.- Sursand District- Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra

For the Opposite Party/s : Mr. Dilip Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-03-2016 Heard learned counsels for the petitioners and the State.

The petitioners being father and brother of husband of complainant are apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A, 504/34 of the Indian Penal Code.

The prosecution case is that though torture was inflicted immediately after the marriage though the complainant gave birth to a child but subsequently on 18.07.2011 the husband of the complainant was killed thereafter the complainant was driven out from her matrimonial house.



On the submission on behalf of the petitioners that they are ready to take care of the complainant and her minor child, the learned Sessions Judge directed the petitioners along with complainant to appear before the learned Magistrate who will release the petitioners on provisional bail for six months on filing separate affidavit that the petitioners should take care of the complainant and minor child. The provisional bail was to be confirmed by the learned Magistrate on monitoring the conduct of the petitioners and on being satisfied.

It is submitted by the learned counsel for the petitioners that petitioners are ready to allow the complainant to enjoy her share of the property in the matrimonial house but in the circumstances it is difficult for them to take the complainant to the court below unless the court issue notices to the complainant.

Considering the aforesaid facts, let the above named petitioners be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi in connection with Complaint Case No. C-1/210 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 on filing separate affidavit that they will allow the complainant to enjoy her share of property in the matrimonial house.

The provisional bail of the petitioners shall be confirmed on appearance of the complainant and filing of an affidavit that she is enjoying her share of property in the matrimonial house.

(Dinesh Kumar Singh, J)

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