

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13209 of 2016

Arising Out of PS.Case No. -177 Year- 2015 Thana -EKMA District- SARAN

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1. Sheo Kumari Kuwar wife of Late Dwarika Manjhi
 2. Rabita Kumari daughter of Late Dwarika Manjhi
 3. Aarti Kumari daughter of Late Dwarika Manjhi
- All are residents of Village-Parsagarh Bazar, P.S.-Ekma, District-Saran(Chapra)

.... Petitioner/s

Versus

1. The State of Bihar
2. Guriya Devi, wife of Basant Manjhi, daughter of Rajendra Paswan, resident of Village-Parsagarh Bazar, P.S.-Ekma, District-Saran(Chapra), at present resident of Village-Meerpur, P.S.-Dighwara, District-Saran(Chapra)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Yogendra Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-03-2016 Petitioners being mother and sisters of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 323, 307, 498A, 494 of the Indian Penal Code.

It appears that in the First Information Report, in place of Section 494 I.P.C, Section 394 I.P.C has been mentioned but the said mistake was not noticed by learned Magistrate to whose court the F.I.R was transmitted after registration and the said mistake perpetuated in the order of learned Additional Sessions Judge also as well as in the application of the petitioners which reflects sorry state of affairs.

Let a copy of this order be transmitted to the

learned Additional Sessions Judge, III, Saran, the concerned Magistrate and the Superintendent of Police, Saran at Chapra to see how casually the proceedings are being conducted.

The basic accusation is of torture and performing second marriage.

It is submitted by learned counsel for the petitioners that accusation against the petitioners is omnibus and general and the thrust of accusation is against the husband of the informant. It is further submitted that at earlier point of time the informant has filed Complaint Case No. 4352 of 2009 with similar accusation which ended into compromise where the petitioners were not made accused. The petitioners are ready to allow the informant to enjoy her share of property in the matrimonial house.

Considering the aforesaid facts, let the petitioners, 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, Chapra, Saran in connection with Ekma P.S. Case No. 177 of 2015, Complaint Case No. 1915 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioners shall be accepted on filing separate affidavit by each petitioner to the

effect that they will allow the informant to enjoy her share of property in the matrimonial house. It is expected from the Court below to transmit the said affidavit to the concerned police station.

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(Dinesh Kumar Singh, J)