

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24604 of 2016

Arising Out of PS.Case No. -147 Year- 2015 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Jyoti Devi @ Jyoti Kumari wife of Awdhesh Kumar resident of Village-
Bari Pasraha, P.S.- Pasraha, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Puja Kumari @ Chandni Kumari @ Chandni Devi Wife of Awadhehs
Kumar Resident of Village- Choti Fatoriya, P.S.- Alamnagar, District-
Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 13-06-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner being second wife of the husband of the
complainant apprehends her arrest in connection with Complaint
Case No. 147C of 2015 registered for the offences punishable
under Section 498-A of the Indian Penal Code and 4 of the
Dowry Prohibition Act.

No doubt, a Bench of this Court has held that in
complaint case if only summons is issued, the anticipatory bail
petition would not be maintainable but in the present case, it is
informed on behalf of the petitioner that non- bailable warrant of

arrest has already been issued against the petitioner without getting any service report of summons and, therefore, anticipatory bail petition is maintainable.

There is nothing on the record to show that the warrant of arrest has been issued against the petitioner but in the aforesaid peculiar circumstance to do the justice, I think it proper to extend the privilege of anticipatory bail to the petitioner particularly, keeping in mind the status of the petitioner in the family of complainant's husband and, accordingly, it is ordered that in the event of her arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Uda Kishunganj (Madhepura) in Complaint Case No. 147C of 2015, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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