

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44925 of 2016

Arising Out of PS.Case No. -106 Year- 2016 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Sunita Kuar w/o Late Amar Nath Sah
2. Amrish Kumar s/o Late Amarnath Sah
3. Vinay Kumar s/o Late Amar Nath Sah
4. Anand Kumar s/o Late Amar Nath sah
5. Saloni Devi w/o Amrish Kumar
6. Shashi Kumari D/o Late Amar Nath Sah All resident of Mohalla - Bahri
Begampur, Sati Chaura near Pipaltal, P.S. Bye-pass, Patna City, District -
Patna(bihar)0

.... Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Devi D/o Baikunth Sah wife of Late Dhuruv Sah resident of
Village - Waharpur, Post - Nasriganj, District - Rohtas(Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Krishna Prasad Yadav

For the Opposite Party/s : Dr. Indihar Kumari

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 17-10-2016 Heard learned counsels for the petitioners and the State.

The petitioners being mother, brothers, brother's wife and unmarried sisters of the late husband of the complainant are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 323/34 of the Indian Penal Code.

The basic accusation is of torture. Specific case of the complainant is that she got married with the son of petitioner no. 1

namely Dhruv Kumar in 2007 and gave birth to two children but in 2011 the husband of the complainant died in road accident and thereafter torture was inflicted.

It is submitted by the learned counsel for the petitioners that the marriage between the complainant and son of petitioner no. 1 and birth of two children are admitted. The complainant herself deserted the matrimonial house. The petitioners have no objection in allowing the complainant to enjoy her share of property in the matrimonial house.

Learned counsel for the complainant submits that after the death of her husband the torture was inflicted as a result of which she is residing at her parents' house but she is ready to reside at her matrimonial house provided she is allowed to enjoy her share of property in the matrimonial house.

Considering the present stand of the parties, let the above named petitioners be released on anticipatory bail 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) each with two sureties of the like amount each to the satisfaction of learned SDJM, Bikramganj, Sasaram (Rohtas) in connection with Complaint Case No. 106 of 2016 subject to the conditions as laid down under Section 438(2)

Cr.P.C.

The bail bonds of the petitioners will be accepted on filing of individual affidavit by the petitioners before the learned court below that they will allow the informant to enjoy her share of property in the matrimonial house. The said affidavits will be transmitted by the learned court below to the concerned I.O. Non compliance of the aforesaid undertaking shall give liberty to prosecution to file application for cancellation of bail bonds of the petitioners by learned court below.

(Dinesh Kumar Singh, J)

Anil/-

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