

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27512 of 2016

Arising Out of PS.Case No. -64 Year- 2016 Thana -BATHNAHA District- SITAMARHI

- =====
1. Pawan Rekha Devi Wife of Surendra Rai@Surendra Kumar
 2. Surendra Kumar@Surendra Rai son of Rajendra Rai
- Both R/O Village- Jhitkahiya, PS Bathnaha, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Subhadra Kumari, W/o Indal Rai, resident of village- Kunaiya, P.S.- Bela, District- Sitamarhi

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 08-12-2016 Heard learned counsel for the petitioners and the State.

The petitioners being the parents of the traceless husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 323, 307, 379, 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand and making attempt to kill the informant by administering poison. It is alleged by the informant that subsequent to the marriage, she realized that her husband is mentally abraded. Though, a female child was born out of their wedlock. There husband was not being



provided adequate medical facilities, as a result he went traceless three years back to the lodging of the case.

It is submitted by the learned counsel for the petitioners that malicious accusation has been levelled with a motive to grab the property. Due to apathetic attitude of the informant, the husband of the petitioners went traceless. The informant herself deserted the matrimonial house. The petitioners were not at the matrimonial house when the informant left the house, since the petitioner no. 2 is a Government servant and posted at different districts and petitioner no. 1 was living with him. The petitioners are still ready to keep the informant with due dignity and honour. Statement to that effect has been made in para-9 of the petition which reads as follows:-

“That the petitioners are still ready to keep her with full respect and dignity in the matrimonial village along with all the facilities as the petitioners are not residing at their native village where accommodation was provided to the complainant/informant.”

Notices were issued to opposite party no. 2 vide order dated 04.07.2016. It appears from the office note dated 03.10.2016 that service of notice issued to opposite party no. 2 has been affected to house service. However, the service report of registered cover has not been returned. In the circumstances, notices issued to opposite party no. 2 has been treated as deemed valid service vide order dated 04.10.2016. Today



also none appears on behalf of opposite party no. 2.

Considering the nature of accusation and the stand of the petitioners as stipulated in paragraph-9 of the petition as quoted above, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 64 of 2016, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

P.K./-

U		T	
---	--	---	--

