

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35185 of 2016

Arising Out of PS.Case No. -1378 Year- 2014 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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Lali Devi wife of Late Kanhai Manjhi, resident of village- Dopta, P.S.-
Rajauli, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shanti Devi D/o. Jaithan Manjhi resident of village- Duriyarpur, P.S.-
Akhaspur, District- Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 29-08-2016

Heard learned counsels for the petitioner

and the State.

The petitioner being the mother of the husband of the complainant is apprehending her arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 494 of the Indian Penal Code and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand and performing second marriage.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against the husband of



the complainant. The accusation is omnibus and general against the petitioner. Though, the learned Sessions Judge has disposed of the anticipatory bail application of the petitioner on the ground that only bailable warrant of arrest has been issued, but statement has been made in paragraph 2 of the supplementary affidavit that the non-bailable warrant of arrest has been issued vide order dated 11.08.2016 by learned SDJM, Nawada, which reads as follows:-

“That it is humbly submitted here that the petitioner is every apprehension by the hand of the local police because Non-bailable warrant has been issued on 11.08.2016 by the learned court of S.D.J.M., Nawada against all the accused persons.”

It is further submitted by learned counsel for the petitioner that the petitioner is ready to allow the complainant to enjoy her share of property in the matrimonial house.

Considering the thrust of accusation against the husband of the complainant, let the above named petitioner 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 bonds of

Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Nawada in connection with Complaint Case No. 1378 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner will be accepted by the learned court below on filing affidavit that the petitioner will allow the complainant to enjoy her share of property in the matrimonial house. The said affidavit will be transmitted by the learned court below to the concerned police station.

(Dinesh Kumar Singh, J)

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