

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34576 of 2016

Arising Out of PS.Case No. -19 Year- 2016 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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1. Nathuni Prasad Gupta S/o Late Rameshwar Sah
 2. Rupkanti Devi W/o Nathuni Prasad Gupta
 3. Narendra Prasad Gupta @ Narendra Kumar Gupta S/o Nathuni Prasad Gupta
 4. Amrendra Prasad Gupta @ Amrendra Gupta S/o Nathuni Prasad Gupta

.... Petitioner/s

Versus

1. The State of Bihar.
2. Baby Devi D/o Yashvir Sah

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Smt. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-09-2016 Heard learned counsels for the petitioners and the State.

The petitioners being the parents and brothers of the husband of the informant are apprehending arrest in a case registered for the offences punishable under Sections 341/323/504/498A/313/328/406/34, 3/4 of the Dowry Prohibition Act, and 22(1)/23(3) The Pre-Conception and Pre-natal

Diagnostic Techniques (Prohibition of Sex Selection) Act,1994.

Prosecution case is that the marriage of the informant, namely, Babi Devi, was performed with Dhirendra Prasad Gupta on 13.03.2008, but thereafter the torture was inflicted for non-fulfillment of further dowry demand. It is further alleged that when the informant conceived, sex determination of foetus was made forcibly by the accused persons and when it is found that foetus is female then she was asked to get the pregnancy terminated, on refusal of the same, she was assaulted, as a result, her pregnancy got terminated.

It is submitted by learned counsel for the petitioners that the accusation is not specific against these petitioners and the informant is residing with her husband at Delhi. The petitioners claim to reside separately from the husband of the informant. There is nothing on record to suggest that actually the pregnancy of the informant got terminated. Moreover, the petitioners have no objection in allowing the informant to enjoy her share of property in the matrimonial house.

Learned APP for the State after going through the case diary submits that there is no medical report to suggest that the pregnancy of the informant got terminated, but during

investigation it has come that the husband of the informant performed second marriage.

Similar is the submission of the learned counsel for the informant, who further submits that the husband of the informant is deliberately not appearing.

Considering the thrust of accusation against the husband of the informant, let the above named petitioners be released on anticipatory bail provisionally for three months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, (Sadar) Motihari, in connection with Mahila P.S. Case No.19/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioners will be confirmed by the learned Court below on appearance of the husband of the informant and after taking a report from the local police station that the petitioners have complied the undertaking given before this Court.

The bail bonds of the petitioners will be accepted by

the learned court below on filing of separate affidavit by each petitioner to the effect that they will allow the informant to enjoy her share of property in matrimonial house. It is expected from the learned Court below to get the said affidavits transmitted to the SHO of concerned police station. The SHO of the concerned police station will depute a responsible police officer, preferably lady police officer, to monitor regularly that the petitioners are not in any way inflicting torture to the informant.

Ashwini/-

(Dinesh Kumar Singh, J)

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