

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44493 of 2016

Arising Out of PS.Case No. -49 Year- 2016 Thana -RUDRAPUR District- MADHUBANI

- =====
1. Dular Chandra Kamat, Son of Late Madhaw Kamat
 2. Samtoliya Kamat @ Samtoliya Devi, Wife of Dular Chandra Kamat
 3. Uday Chandra Kamat, Son of Dular Chandra Kamat
- All Resident of Village Rudrapur, P.S. Rudrapur, District – Madhubani.
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwanath Prasad Singh

For the Opposite Party/s : Mr. Smt. Sahin Begam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 06-10-2016

Heard learned counsels for the petitioners

and the State.

The petitioners being the parents and brother of the husband of the informant are apprehending the 9ir arrest in a case registered for the offences punishable under Sections 341, 323, 325, 498A, 379, 504/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand. It is specifically alleged that the FIR named accused persons including the petitioners first assault the informant in October, 2015, thereafter the matter was fixed for reconciliation and on 17.06.2016 during mediation the assault was made to the informant and informant's brother Navin

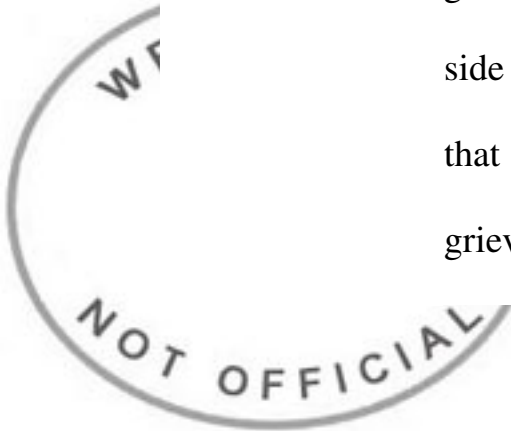
Bhandari when the father and other co-villager of the informant came then the father, uncle and the co-villager Dinesh Jandar were also assaulted. It is specifically alleged that petitioner no. 3 Uday Chandra Kamat assaulted with iron rod to Dinesh Jandar as a result he caused fracture injury to Dinesh Jandar in left hand finger.

It is submitted by learned counsel for the petitioners that the accusation of assault is omnibus and general against petitioner nos. 1 and 2. So far as petitioner no. 3 is concerned, though the accusation is specific against him but the injury has not been caused on the vital part of the body.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail provisionally for two months, 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) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Jhanjharpur, District – Madhubani in connection with Rudrapur P.S. Case No. 49 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioners will

be confirmed by the learned court below if it is found that no grievous injury has been caused to anyone from the informant side but if it is found that the grievous injury has been caused in that eventuality the person who is found to have caused the said grievous injury will surrender and pray for bail.



(Dinesh Kumar Singh, J)

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