

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36764 of 2015

Arising Out of PS.Case No. -83 Year- 2012 Thana -ROH District- NAWADA

- =====
1. Sarita Devi W/o Girdhari Mahto Resident of village - Barka Chumba, Barwa Tola, P.S. Giddi, District - Hazaribag
 2. Girdhari Mahto Son of Sri Pyari Mahto Resident of village - Barka Chumba, Barwa Tola, P.S. Giddi, District - Hazaribag

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunita Kumari W/o Sri Binod Mahto, resident of village – Barka Chhumba (Ram Nagar), P.S. Giddi, District – Hazaribag (Jharkhand) at present D/o & c/o Sri Raghunath Prasad, village – Rukhia, P.S. Roh, District – Nawada, Mobile No. 9835650474.

.... Opposite Party/s

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With

Criminal Miscellaneous No.36152 of 2015

Arising Out of PS.Case No. -83 Year- 2012 Thana -ROH District- NAWADA

- =====
1. Mani Devi @ Tetri Devi W/o Basudeo Mahto
 2. Komal Kumari Wife of Binod Mahto Both are Resident of village - Baraka Chumba/Ram Nagar, P.S. Giddi, District - Hazaribagh, State Jharkhand

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunita Kumari D/o Raghunath Prasad Resident of village - Rukhi, P.S. Roh, District - Nawada, State Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.36764 of 2015)

For the Petitioner/s : Mr. Vinay Ranjan

For the Opposite Party/s : Mr. Ashok Kr.Singh(App)

(In Cr.Misc. No.36152 of 2015)

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Shailendra Kumar 1 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

and the informant-opposite party no. 2.

The petitioners in Cr. Misc. No. 36764 of 2015 being the parents of the second wife of the husband of the informant and petitioners in Cr. Misc. No. 36152 of 2015 being the brother's wife and second wife of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 323, 307, 379, 376/511, 498A, 494, 149 of the Indian Penal Code, 3/4 of Dowry Prohibition Act and 27 of the Arms Act.

The prosecution case is that the informant's Sunita Kumari marriage was solemnized on 11.05.2015 with Binod Mahto but thereafter further demand of dowry of rupees two lakhs fifty thousand and a car were made and on non-fulfillment of the said dowry demand, torture was inflicted. The husband of the informant Binod Mahto has performed second marriage with Komal Kumari and subsequently from second marriage a baby was born. It is also alleged that the brother of the second wife of the husband of the informant namely, Ajit Kumar made an attempt to ravish the informant.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against the husband of the informant.





The matter was referred to the Mediation Centre on the joint prayer of the parties. The report of the Mediator dated 30.06.2016 at Flag 'B' reflects that the issue has been resolved and the informant and her husband decided to part ways on payment of one time settlement amount of Rs.2,00,000/- (Two lakhs), out of which Rs.1,00,000/- (One lakh) has already been paid and a bank draft of Rs.1,00,000/- (One lakh) drawn on HDFC Bank is handed over to the counsel for the informant today. It is expected from the counsel for the informant to make endorsement of receiving the same on record and hand it over to the informant.

The informant and the husband of the informant are present in the Court.

It is submitted by learned counsel for the informant that the husband of the informant has already been granted bail on surrender by the learned court below.

A joint affidavit has been filed today reiterating the fact that the issue has been resolved between the parties in terms of the compromise arrived at during mediation.

Hence, the counsel for the informant is not opposing the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts, let the above



named petitioners be released on anticipatory 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 bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Roh P.S. Case No. 83 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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