

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42215 of 2016

Arising Out of PS.Case No. -111 Year- 2016 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Nand Kishore Yadav son of Late Dukhan Yadav
2. Shanti Devi wife of Nand Kishore Yadav Both residents of village -
Rajganj, P.S.- Bihariganj, District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manisha Kumari wife of Mukesh Kumar resident of Rajganj, P.S. -
Bihariganj, District - Madhepura; at present D/o Bijendra Yadav, resident of
Madhepura Ward No. 02, Anand Bihar Muhalla, P.S. + District -
Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Mithilesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-09-2016 Heard learned counsels for the petitioners and the State.

The petitioners being parents of the husband of the complainant are apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture. It is alleged that when the complainant got pregnant, she was forced for gender test of fetus and when it was found that the complainant is carrying female fetus then the husband forced her to get the pregnancy

terminated. After birth of a child threatening was given to kill the child. Thereafter, the husband of the complainant namely Mukesh Kumar came to Madhepura in intoxicated condition and started snatching the baby girl from the complainant but the baby girl was saved with the intervention of the relatives and neighbour.

It is submitted by the learned counsel for the petitioners that thrust of accusation is against the husband of the complainant. The husband of the complainant has filed Matrimonial Suit No. 22 of 2016 with a prayer for restitution of conjugal rights. The petitioners are not in any way concerned with the day to day affairs of the husband of the complainant. The husband of the complainant is posted in CISF. It is further submitted that the husband of the complainant is still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 11 of the petition which reads as follows:

“That co accused (husband of Complainant) is still willing and ready to keep the Complainant and her baby with full honour and dignity.”

It is submitted that the petitioners have no objection in allowing the complainant to enjoy her share of property in the matrimonial house though statement to that effect has not been made in the

petition.

Considering the aforesaid facts, let the above named petitioners 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 bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Madhepura in connection with Complaint Case No.111 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners will be accepted on filing of an individual affidavit by them before the learned court below that they 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 I.O. Non compliance of the aforesaid undertaking will give liberty to prosecution to file application for cancellation of bail bond by the learned court below.

(Dinesh Kumar Singh, J)

Anil/-

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