

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9343 of 2016

Arising Out of PS.Case No. -199 Year- 2015 Thana -COMPLAINT CASE District- SHEOHAR

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1. Ram Pravesh Shahi @ Ram Pravesh Sahani, Son of Late Harbansh Shahi,
 2. Roop Kanti Devi, Wife of Ram Pravesh Shahi @ Ram Pravesh Sahani,
 3. Arun Kumar Shahi @ Arun Sahani, Son of Ram Pravesh Shahi @ Ram Pravesh Sahani,
 4. Monika Devi @ Menka Devi, Wife of Arun Kumar Shahi @ Arun Sahani

All are resident of Village- Siswan Mangal, P.S.-Pachpakri, District – East Champaran.

.... Petitioners

Versus

1. The State of Bihar,
2. Mala Devi Daughter of Ram Singh, Wife of Satish Shahi Resident of Village Khairwa, Darp, P.S. Sheohar, District Sheohar.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Ansul, Advocate.

For the Opposite Parties : Ms. Renu Kumari, (App).

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 25-05-2016

Heard learned counsel for the petitioners and the State.

The petitioners being the parents, brother and brother's wife are apprehending their arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code.

The accusation is of torture for non-fulfillment of the dowry demand.

It appears from the impugned order that only summons was issued hence the learned Sessions Judge has disposed the anticipatory bail of the petitioners.

It has been submitted by the learned counsel for the petitioners that now non-bailable warrant of arrest has been issued statement to that effect has been made in para-2 of the supplementary

affidavit which reads as follows:

“2. That non-bailable warrant has been issued by the Learned Chief Judicial Magistrate, Sheohar, in Complaint Case No. C-1/199/15, on 13.04.2016.”

Learned counsel for the petitioners submits that accusation is of omnibus and general against all the petitioners and have no objection in allowing the complainant to enjoy herself in her matrimonial house. The husband of the complainant is ready to live conjugal life.

Considering the facts aforesaid, the petitioners above named 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar in connection with Complaint Case No. C-1/199/15, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

(Dinesh Kumar Singh, J.)

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