

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28400 of 2016

Arising Out of PS.Case No. -14 Year- 2016 Thana -MAHILA P.S. District- NAWADA

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1. Ambika Prasad @ Amirak Prasad S/o Late Punit Mahto
 2. Geeta Devi W/o Ambika Prasad @ Amirak Prasad
 3. Ajit Kumar
 4. Vikash Kumar
- Both sons of Ambika Prasad @ Amirak Prasad
All residents of Village Datti Tiha, P.S.- Rajauli, District- Nawada.
5. Chanchala Devi W/o Upendra Prasad Resident of Village Datti Tilha,
P.S. Rajauli, District Nawada, Presently resident of Village Kush, P.S.
Nardiganj, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ganita Kumari W/o Suchit Kumar, resident of Village- Damodarpur,
P.S.- Nardiganj, District- Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 12-07-2016

Heard learned counsels for the petitioners

and the State.

The petitioners being the parents, brothers and married sister of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 498A, 341, 342, 323, 504/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture after four years of the marriage for non-fulfillment of the dowry demand,

making assault to the informant and in-laws of the informant driven out the informant from the matrimonial house.

It is submitted by learned counsel for the petitioners that the petitioners admit the marriage of the informant with the son of petitioner no. 1, namely, Suchit Kumar and birth of two children. Subsequently the relationship got strained and husband of the informant filed Matrimonial Suit No. 188 of 2015 with a prayer for divorce. It is further submitted that an application was filed by the informant before the police that the issue has been reconciled between the parties. The said application was filed on 13.03.2016 which has been brought on record as Annexure-3 and thereafter for the alleged occurrence of 13.03.2016 the present FIR was registered on 14.03.2016, though, subsequently the accused side have also lodged Nawada Town P.S. Case No. 196 of 2016 on 19.03.2016. It is further submitted that the thrust of accusation is against the husband of the informant and the petitioners undertake that they have no objection in allowing the informant to enjoy her share of property in the matrimonial house.

It is submitted by learned counsel for the informant that the accused persons also inflicted torture and they instigated the husband of the informant.

Considering the thrust of accusation against the husband of the informant, 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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Nawada in connection with Nawada Mahila P.S. Case No. 14 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Dinesh Kumar Singh, J)

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