

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16072 of 2016

Arising Out of PS.Case No. -121 Year- 2014 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Krishnandan Sah @ Krishan Nandan Kumar Son of Nawal Sah, R/o
Village- Bajitpur, P.S.- Bajpatti, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunita Devi wife of Late Raju Sah, R/o Village- Bajitpur, P.S.- Bajpatti,
District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Md. Nazir Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 01-09-2016

The petitioner being the brother of late husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 354, 417, 419, 379/34 of the Indian Penal Code.

The basic accusation is of torture after the death of the husband of the complainant and making an attempt to outrage the modesty of the complainant since the husband of the complainant died after eight months of the marriage.

It is submitted by learned counsel for the petitioner that the motive behind the accusation is of getting share in the property. The petitioner has no objection allowing



the complainant to enjoy her share of property in the matrimonial house and on similar undertaking the other family members of the petitioner were granted provisional anticipatory bail vide Cr. Misc. No. 45852 of 2014. The provisional bail of the family members of the petitioner were directed to be confirmed on filing affidavit by each member that they would allow the complainant to enjoy her share of property in the matrimonial house. The provisional bail of the family members of the petitioner has now been confirmed.

It is submitted by learned counsel for the complainant that complainant has not only been tortured but attempt was made to outrage the modesty of the complainant.

Considering the present stand of the petitioner to file affidavit before learned Court below allowing the complainant to enjoy her share of property in the matrimonial house, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No. C 1-121 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner will be

accepted on filing affidavit to the effect that petitioner will allow the complainant to enjoy her share of property in the matrimonial house.

The provisional bail of the petitioner will be confirmed by learned court below on getting a report from the local police station about the conduct of the petitioner. However, if the substantial proof comes that petitioner is not allowing the complainant to enjoy her share of property or is interfering in the day-to-day affairs of the complainant then provisional bail of the petitioner will not be confirmed and in that eventuality the petitioner will surrender and pray for regular bail.

Shageer/-

(Dinesh Kumar Singh, J)

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