

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42716 of 2016

- =====
1. Chhathiya Devi, wife of Kedar Mahto
 2. Kedar Mahto, son of late Munna Mahto
 3. Naresh Mahto, son of Kedar Mahto

.... Petitioner/s

Versus

1. State of Bihar
 2. Subhawati Devi, wife of Dhurendra Mahto, daughter of Budhan Mahto
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Sri Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-09-2016 Heard learned counsels for the petitioners and the State.

The petitioners being step-mother, father and brother of the husband of the complainant are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498/34 of the Indian Penal Code.

Basic accusation is of torture.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against the husband of the complainant. The petitioners claim to be separate from the husband of the complainant.

It appears that the learned Sessions Judge disposed of the anticipatory bail application of the petitioners since only

summons were issued, but it is submitted by learned counsel for the petitioners that now non-bailable warrants have also been issued vide order dated 26.08.2016. A statement to that effect has been made in paragraph no.7 of the petition, which reads as under :-

"That on 26.08.2016 the Court below has directed to issue warrant of arrest against the accused persons including the petitioners."

It is further submitted that the husband of the complainant is ready to keep the complainant as wife with full honour and dignity. A statement to that effect has been made in paragraph no.7 of the petition, which reads as under :-

"That the complainant herself has withdrawn from the society of her husband without any reasonable excuse although the husband is ready to keep her with due dignity and honour."

Considering the thrust of accusation against the husband of the complainant, 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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, West Champaran at Bettiah in connection with

Complaint Case No.2071-C/2015, subject to the conditions as
laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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