

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41226 of 2016**

Arising Out of PS.Case No. -62 Year- 2016 Thana -MAHILA P.S. District- MADHUBANI

- =====
1. Rekha Jha @ Rekha Devi Wife of late Mahanand Jha
  2. Kabita Jha@Kabita Devi Wife of Suman Jha
  3. Suman Jha@Suman Kumar Jha Son of late Mahanand Jha

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Aasha Kumari Wife of Chandan Jha

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      17-10-2016                      Heard learned counsels for the petitioners and the State.

The petitioners being the mother, brother's wife and brother of the husband of the informant are apprehending arrest in a case registered for the offences punishable under sections 341/323/313/498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture and getting the pregnancy of the informant terminated.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against the husband of the informant. There is nothing on record to suggest that the pregnancy of the informant got terminated. The ultrasound

report of the informant brought on record by way of annexure-2 does not suggest that the pregnancy was terminated. The husband of the informant filed Matrimonial Suit No.20/2016 with a prayer for divorce wherein after notice being received by the informant the present FIR was lodged.

Considering filing of matrimonial suit by the husband of the informant at earlier point of time and 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 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 SDJM, Madhubani, in connection with Madhubani Mahila P.S. Case No.62/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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