

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41396 of 2016

Arising Out of PS.Case No. -168 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

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1. Arun Jha son of Late Satyanarayan jha
2. Smt. Rita Devi @ Rita Jha wife of Arun Jha
Both Resident of Village+ P.O.-Anadipur, P.S.- Kahagaon, District-
Bhagalpur (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. Priti Kumari daughter of Sri Shivendra Kumar Thakur, Wife of Sunny
Kashyap resident of Sant Nagar, Katoriya, P.O.-Dhanaura, P.S.-Ekchari,
District-Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate
For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2016 Heard learned counsel for the petitioners and the
State.

The petitioner being the parents of the husband
of the informant are apprehending their arrest in a case
registered for the offences punishable under Sections
498A, 379/34 of the Indian Penal Code and 3/4 of the
Dowry Prohibition Act.

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

It is submitted by the learned counsel for the
petitioners that accusation is omnibus and general
against entire in-laws family including the petitioners. The



thrust of accusation is against husband of the informant. The husband of the informant filed two Informatory Petitions aggrieved with the misconduct of the informant being Informatory Petition Nos. 4355 of 2015 on 11.08.2015 and 1332 of 2016 on 30.03.2016. The husband of the informant also filed Matrimonial Suit No. 447 of 2016 with a prayer for divorce and after receiving of notice in Matrimonial Suit the present case has been lodged. This fact has been admitted by the informant in narrative portion of the accusation. It is further submitted that petitioner no. 1 is suffering from liver and kidney ailments and petitioner no. 2 has donated her one Kidney to her second daughter namely Annu Mishra and both are still under treatment, as a result they failed to appear before the Mediation. The petitioners have no objection in allowing the informant to enjoy her share of property in the matrimonial house.

It is submitted by the learned counsel for the State that petitioners are participating in inflicting torture.

Considering the nature of accusation, poor health condition of the petitioners and the present stand of the petitioners for allowing the informant to enjoy her share of property in the matrimonial house, let the above named petitioners be released on bail in the event of their 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 Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case No. 168 of 2016, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioners shall be accepted on filing affidavit that they shall 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 local Police Station. The non-compliance of undertaking given through the affidavit will give liberty to the learned court below to cancel the bail bonds of the petitioners.

(Dinesh Kumar Singh, J)

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