

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32164 of 2016

Arising Out of PS.Case No. -371 Year- 2015 Thana -COMPLAINT CASE District- SHEOHAR

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1. Bhikhar Sah Son of Late Deoki Sah
 2. Nippu Kumar alias Neepe Kumar Son of Nagendra Sah
 3. Uma Devi Wife of Nagendra Sah All residents of Village - Piprahi Sultan, P.S. - Bairgania, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Asha Devi Wife of Pappu Sah Resident of Village - Piprahi Sultan, P.S. - Bairgania, District - Sitamarhi presently residing at D/o Naresh Sah, Resident of Village - Khairapahari, P.S. Purnahiya, District - Sheohar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-08-2016 Learned counsel for the petitioners is permitted to make necessary correction in the petition with regard to the name and parentage of petitioner no. 2, as prayed for.

Heard learned counsels for the petitioners and the State.

The petitioners being grand father, brother and mother of the husband of the complainant are apprehending arrest in a complaint case filed with accusation under Section 498A of the Indian Penal Code.

The basic accusation is of torture after three years of marriage.



It is submitted by the learned counsel for the petitioner that the accusation is omnibus and general against the entire inlaws family including the petitioners. It is further submitted that the thrust of accusation is against the husband of the complainant and the petitioners are ready to allow the informant to enjoy her share of property in the matrimonial house. Though the petitioners' offer to the complainant to resume the conjugal life was refused by the complainant which gets reflected from the impugned order.

Considering the aforesaid facts, 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 bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Sheohar in connection with Complaint Case No. C-1/371 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners will be accepted on filing of an individual affidavit by the petitioners before the learned court below that they will allow the complainant to enjoy her share of property in the matrimonial house. The said affidavit will be transmitted by the learned court below to the concerned I.O. Non compliance of the aforesaid undertaking will give liberty

to prosecution to file application for cancellation of bail by learned court below.

(Dinesh Kumar Singh, J)

Anil/-

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