

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7809 of 2016

Complaint Case No.. -528 Year- 2012 Thana -COMPLAINT CASE District- LAKHISARAI

- =====
1. Gulshan Khatoon, wife of Md. Ilias
 2. Md. Ilyas @ Md. Ilias, son of late Suleman

.... Petitioner/s

Versus

1. State of Bihar
2. Nadra Khatoon daughter of Md. Saghir

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Subash Chandra Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-02-2016 Heard learned counsels for the petitioners and the State.

Petitioners being parents 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 498A 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, who is residing with the complainant at Suryagraha.

A statement to that effect has been made at paragraph 10 of the petition, which reads as follows :-

"10. That in fact, the complainant in connivance with her husband filed the present complaint in Lakhisarai against her husband himself alongwith her in-laws family members including the petitioners however, the complainant and her husband are still living together in Suryagraha."

It is further submitted that earlier also the complainant filed Complaint Case No.430 C/2011 levelling accusation under sections 341, 147, 323, 504, 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act which after five years of its filing came to register as Surajgarha (Manikpur) P.S. Case No.7/2016 on 13.01.2016. The petitioners claim to be separate from the husband of the complainant.

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 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, Lakhisarai in connection with Complaint Case No.528C/2012, subject to the conditions as laid

down under Section 438(2) Cr.P.C.

However, learned court below will be at liberty to cancel the bail bonds of the petitioners, if they default for three consecutive occasions.

(Dinesh Kumar Singh, J)

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