

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8301 of 2016

Arising Out of PS.Case No. -353 Year- 2015 Thana -MADHUBANI TOWN District-
MADHUBANI

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Bimal Devi @ Bimala Devi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Shailendra Kr. 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-02-2016

Heard learned counsels for the petitioner and the State.

The petitioner being mother of the husband of the informant is apprehending arrest in a case registered for the offences punishable under Section 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand and ousted the informant from her matrimonial house.

It is submitted by learned counsel for the petitioner that accusation is of omnibus and general against the entire in-laws family members and the petitioner. There is no injury report on record to support the accusation of torture. A statement to that effect has been made in paragraph 12 of the petition, which reads as follows :-

"12. That there is no any injury has been found in the

body of the informant."

It is further submitted that the petitioner is ready to allow the informant to enjoy her share of property in the matrimonial house.

Considering the aforesaid facts, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of the learned CJM, Madhubani in connection with Madhubani Town P.S. Case No.353/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on filing of affidavit to the effect that she will not interfere into the conjugal life of the informant and will allow the informant to enjoy her share of property in matrimonial house. It is expected from the learned Court below to get the said affidavit transmitted to the SHO of concerned police station.

(Dinesh Kumar Singh, J)

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