

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6600 of 2016

Arising Out of PS.Case No. -1116 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

- =====
1. Surendra Prasad Yadav , Son of late Deo Narayan Yadav
 2. Manjula Rani @ Marichmala, wife of Surendra Prasad Yadav
 3. Sujeet Kumar Yadav @ Sujeet Kumar, son of Surendra Prasad Yadav
 4. Suresh Yadav, son of late Deo Narayan Yadav
 5. Sarita Devi, wife of Suresh Yadav
 6. Mamta Kumari, daughter of Surendra Prasad Yadav
 7. Samta Kumari, daughter of Surendra Prasad Yadav
- all resident of Village-Kaushiyam P.S. Baheri, District –Darbhanga.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate

For the Opposite Party/s : Mr. Ram Bachan Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

11 06-04-2016 Heard learned counsels for the petitioner, the complainant and Mr. J. N. Thakur, learned counsel appearing for the State.

The petitioners being the parents, brother, uncle, aunt and married sisters of the late husband of the complainant are apprehending arrest in a complaint case wherein processes have been issued after cognizance being taken for the offences punishable under sections 498A, 406, 120B of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.



Prosecution case is that the husband of the complainant died in an accident, thereafter, the father of her late husband, petitioner no.1 took signature of the complainant on various papers and received payment of LICs maturity amount to the tune of Rs.70000/- and thereafter, the parents-in-law after snatching the belongings of the complainant drove her out from the matrimonial house.

Learned counsel for the petitioner submits that the complainant was married with the son of petitioner nos.1 and 2 namely Sarvajeet Kumar, but he died in an accident, thereafter the complainant herself deserted the petitioners, though, the only female child of the complainant is residing with petitioner nos. 1 and 2 and they are providing her proper education and taking care of her welfare. The petitioner nos. 1 and 2 are still ready to keep the complainant with dignity and honour or, if she is so adamant not to reside in the matrimonial house then they are ready to return Rs.70000/- i.e. the insurance maturity amount along with rupees seven lacs as one time settlement amount. The petitioners are further ready to forgo the Award amount as awarded by the Motor Accident Claims Tribunal, New Delhi (hereinafter referred to as "the Tribunal") in MACP No.272/2009, in favour of the complainant her daughter and petitioner nos. 1 and 2. The



complainant has already received fourteen lacks rupees. The petitioner nos. 1 and 2 henceforth are ready to relinquish their share of the Award amount except what has been paid to them earlier and also ready to file an affidavit to that effect in MAC Appeal No. 941/2015 within a period of six weeks.

It is submitted by learned counsel for the complainant that out of the Award amount the complainant have received only Rs.3,30,000/- in the form of cash or fixed deposit.

Learned counsel for the petitioners further submits that the petitioner no.1 undertakes to return the LIC maturity amount of Rs.70000/- to the complainant within a period of four weeks and apart from that the petitioner no.1 is ready to pay Rs.2000/- per month to the complainant from May, 2017 by depositing the same in the bank account of the complainant by second week of every succeeding month.

Learned counsel for the complainant submits that the complainant is neither ready to go to the matrimonial house as she is apprehensive due to the past conduct of the petitioners nor she is ready to accept one time settlement amount, but she is ready to accept the payment of monthly amount for her welfare and undertakes to submit her bank account number on affidavit before the learned court below within a period of four weeks. Hence, she



is not opposing the prayer for bail of the petitioners.

Considering the rival submissions of the parties and keeping in view of the present stand of petitioner nos. 1 and 2 that they will not claim any further amount by virtue of Award being passed in Motor Accident Claims Case and the same being paid to the complainant and their undertaking to file an affidavit to that effect in MAC Appeal No.941/2015 within a period of six weeks, in order to save the complainant from destitution and vagrancy with a lurking hope that the issue may reconcile in future, 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 Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Rosera, Samastipur, in connection with Complaint Case No.1116/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment by the petitioners will give liberty to the informant to file an application for cancellation of bail of the petitioner.



The present order will not preclude the parties to reconcile the issues otherwise.

Either party will be at liberty to file appropriate application before this Court in case of non-compliance of the undertaking given before this Court.

Both sides agree to file appropriate application in view of the present stand before the learned Court below. It is expected from the learned Court below to conclude the proceeding within a period of four months in accordance with law.

(Dinesh Kumar Singh, J)

Ashwini/-

U			
---	--	--	--

