

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23617 of 2017

Arising Out of PS.Case No. -22 Year- 2017 Thana -MAHILA P.S. District- SAHARSA

- =====
1. Mala Devi, Wife of Late Sukhdeo Raut
 2. Bharat Kumar, Son of Late Sukhdeo Raut
 3. Sanjay Singh @ Sanjay Raut, Son of Late Triveni Singh
All Residents of Village – Batraha, P.S. – Sadar (Saharsa), District – Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Seema Devi, W/o Ramu Raut, Resident of Village – Batraha, P.S. – Sadar (Saharsa), District – Saharsa.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 19-08-2017

It appears that notices were issued to opposite party no. 2 vide order dated 13.06.2017. The office note dated 16.08.2017 reflects that the process server has reported that ordinary process of notice has been received by the opposite party no. 2 herself, but no one is appearing on behalf of opposite party no. 2.

The petitioners being the mother, brother and co-villager of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 498A, 323, 313, 379/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.



The prosecution case is that the informant Seema Devi was married with co-accused Ramu Raut six years prior to the lodging of the present case, consequently the informant gave birth to a female child, when further demand of dowry was made. Subsequently, the husband of the informant performed second marriage with one Anjali Devi. On 07.03.2017 the accused persons assaulted the informant as a result, the pregnancy of the informant got terminated.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against the husband of the informant. The accusation against the petitioners is omnibus and general and there is no medical report on record to suggest that the informant's pregnancy actually got terminated. The husband of the informant is still ready to keep the informant with dignity and honour. Statement to that effect has been made in paragraph 15 of the petition, which reads as follows:-

“That moreover the husband of the informant is still ready to keep her wife namely Seema Devi with full dignity and honour if she is ready to live with her husband then these are the petitioner have also help with the informant.”

Considering the thrust of accusation against the



husband of the informant and accusation being omnibus and general, let the above named petitioners be released on anticipatory 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 Judicial Magistrate, Ist Class, Saharsa in connection with Mahila (Saharsa) P.S. Case No. 22 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

