

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45207 of 2016

Arising Out of PS.Case No. -324 Year- 2015 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

- =====
1. Sarjan Sharma Son of Vindeshwari Sharma
 2. Lalita Devi Wife of Sarjan Sharma Both are Resident of Village- Navtolia, P.S. Pasraha, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kamal Kumari Wife of Raju Kumar, D/O Vinay Sharma, Resident of Village- Dhana- Wasa, P.O.- Durgapur, P.S. Puraini, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 10-02-2017

Heard learned counsels for the petitioners, State and the complainant-opposite party no.2.

The petitioners being the parents of the husband of the complainant are apprehending their 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 and 4 of the Dowry Prohibition Act.

The prosecution case is that the complainant Komal Kumari got married with Raju Kumar on 05.07.2014 but subsequent to the marriage demand of Bolero vehicle was made



and for non-fulfillment of the same the complainant was tortured. On 12.07.2014 the husband of the complainant Raju Kumar assaulted the complainant with fists and slaps as a result the complainant got unconscious. Subsequently efforts were made by the parents of the complainant to get the issue reconciled but the complainant was driven out from the matrimonial house within few days of the marriage.

Counsel for the petitioners submits that the accusation against the petitioners is omnibus and general. There is specific accusation against the husband of the complainant Raju Kumar. The petitioners claim to live separately from the complainant and her husband. However, petitioners are ready to allow the complainant to enjoy her share of property in the matrimonial house, though, statement to that effect has not been made in the petition.

Counsel for the complainant submits that the torture was inflicted by entire in-laws family including the petitioners, though, does not controvert this fact that the thrust of accusation is against the husband of the complainant. It is further submitted that due to the apathetic attitude of the petitioners and the complainant's husband the complainant is facing destitution and vagrancy.



Considering the fact that the thrust of accusation is against the husband of the complainant and the present stand of the petitioners that they will allow the complainant to enjoy her share of property in the matrimonial house, 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 Sub-divisional Judicial Magistrate, Udakishunganj, District - Madhepura in connection with Complaint Case No. 324C of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioners will be accepted by the learned court below on filing separate affidavit that they will allow the complainant to enjoy her share of property in the matrimonial house.

(Dinesh Kumar Singh, J)

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