

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20220 of 2017

Arising Out of Complaint Case No. -502 Year- 2016 Thana -KHAGARIA COMPALINT CASE
District- KHAGARIA

=====

1. Awadhesh Paswan, Son of Bhagalu Paswan
2. Krishna Devi, Wife of Awadhesh Paswan
3. Rinku Devi, Wife of Arbind Paswan
4. Arbind Paswan, Son of Awadhesh Paswan
All Resident of Hashanpur Bagar, Police Station- Nawkothe, District-
Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mamta Kumari, Wife of Sharbind Paswan @ Amarnath Paswan,
Daughter of Wakil Paswan, Resident of Hashanpur Bagar, Police
Station- Nawkothe, District- Begusarai, At present Resident of Village-
Shaharbanni Police Station Alauli, District Khagaria.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the State : Mr. Sri Tapeswar Sharma, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-08-2017 Heard learned counsels for the petitioners and the State.

The petitioners, being the parents, brother's wife and brother 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 offence punishable under Section 498A of the Indian Penal Code.

Prosecution case got initiated with the filing of Complaint Case No.502C of 2016 by the complainant - opposite party no.2, namely, Mamta Kumari, alleging therein that she got



married with co-accused Sarvind Paswan on 30.02.2013, but subsequent to the marriage, a dowry demand of Rupees One Lac was made and the complainant was pressurized to get her pregnancy terminated, but ultimately, she gave birth to a male child. Thereafter, the complainant filed Complaint Case No. 239C/2014, with similar accusation, but the issue got reconciled, as a result, the complaint was dismissed as not pressed, but the accused persons thereafter again, started inflicting torture to the complainant and ultimately on 10.06.2015, the accused persons assaulted and drove out the complainant along with her child from the matrimonial house.

It is submitted by learned Counsel appearing on behalf of the petitioners that the thrust of accusation is against the husband of the complainant. The petitioners claim to be separate from the husband of the complainant. Moreover, the accusation against the petitioners is omnibus and general and the petitioner nos. 1 and 2 are old people.

This Court, vide order dated 05.06.2017, issued notices to the complainant opposite party no.2. The office note dated 16.08.2017, reflects that ordinary process of notice was received by the complainant - opposite party no.2 personally. However, none appears on her behalf.



Considering the fact that the thrust of accusation is against the husband of the complainant and the complainant in spite valid service of notice chose not to appear, 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 SDJM, Khagaria, in connection with Complaint Case No.502C of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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

