

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37587 of 2016

Arising Out of PS.Case No. -313 Year- 2015 Thana -LAKHISARAI District- LAKHISARAI

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1. Babita Yadav Son of Chandradeo Yadav
 2. Tinku Devi @ Rinku Devi W/o Rabi Yadav
 3. Kabita Yadav W/o Amit Yadav
 4. Geeta Devi @ Yadav W/o Manoj Yadav,
All Resident village - Khadigram, P.S. Barhat, District - Jamui
 5. Rabindra Yadav @ Ravi Yadav @ Ravindra, Son of Arjun Yadav
resident of Narsing Bandh, Mungeria Khatal, P.O. Bampur, P.S.
Hirapur, District Bardvan (W. Bengal)
 6. Pinki Devi Wife of Suresh Yadav
 7. Amit Yadav @ Amit Rai S/o Mathura Yadav
resident of Narsing Bandh, Mungeria Khatal, P.O. Bampur, P.S.
Hirapur, District Bardvan (W. Bengal)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr. Sri Binod Kumar 2, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 10-02-2017 Heard learned counsels for the petitioners, informant
and the State.

On the prayer of learned counsel for the petitioner the
matter was adjourned on 05.12.2016 enabling him to file affidavit
with regard to jointness of opposite party with her father, who
received notices on behalf of opposite party no.2, but it appears
that Mr. Narsingh Tanti learned counsel has entered appearance
on behalf of opposite party no.2.

Under the circumstances, there is no need of filing of



jointness affidavit. As a result, the order dated 05.12.2016 is modified to the extent as indicated above.

The petitioners being married, unmarried sisters and brothers-in-law of the late husband of the informant are apprehending arrest in a case registered for the offences punishable under Sections 307/323/498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Prosecution case is that the informant got married with Rajesh Yadav 06.06.2014. On 08.06.2014 further dowry demand was made on the date of reception i.e. 08.06.2014. On 15.02.2015, the husband of the informant went to Kolkata then accused persons tried to kill her by throttling. Subsequently, the husband of the informant died in a road accident on 15.03.2015 and thereafter the torture was inflicted by in-laws family including the petitioners.

It is submitted by learned counsel for the petitioner that the accusation is not specific. The prosecution case has been lodged with a design to get the property partitioned. The petitioners being married, unmarried sisters and brothers-in-law of the late husband of the informant claim to reside separately. The accusation of throttle has been levelled in the FIR but the complaint was filed after two months on 13.04.2015 which came



to be registered as police case on 02.05.2015. Neither there is any injury report on record nor the complainant alleged any specific injuries caused by the accused persons. The husband of the informant died in a road accident.

It is submitted by learned counsel for the informant that the torture was inflicted by the accused persons. In the lifetime the husband of the informant used to protect the informant. The accused persons are not allowing the informant to enjoy her share of property in the matrimonial house.

Learned counsel for the petitioner submits that the petitioners are ready file an affidavit to the effect that they will not put any hindrance in enjoyment of the informant of her share of property in the matrimonial house.

Considering the rival submission of the parties keeping in view of the fact that the accusation is not specific and the FIR has been lodged with inordinate delay, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned CJM, Lakhisarai, in connection with Lakhisarai P.S. Case No.313/2015, subject to the conditions as



laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners will be accepted by the learned court below on filing of separate affidavit by each petitioner to the effect that he/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 affidavits transmitted to the SHO of concerned police station.

(Dinesh Kumar Singh, J)

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