

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38688 of 2017

Arising Out of PS.Case No. -10 Year- 2016 Thana -SAMHO District- BEGUSARAI

- =====
1. Shanti Devi, Wife of Ram Suresh Singh
 2. Chulbul Devi, Wife of Rikesh Singh. Both are Residents of Village-
Sonbarsa, P.S. - Samho, District - Begusarai.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Sri Binod Kumar-2

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-08-2017 Heard learned counsels for the petitioners and the State.

The petitioners, being the mother-in-law and brother's wife of the late husband of the informant, are apprehending arrest in a case registered for the offences punishable under Sections 498A, 341, 323 and 506/34 of the Indian Penal Code.

The prosecution case got initiated on the written report dated 16.06.2016 submitted by the informant, Pinki Devi, before the Officer-in-Charge, Samho Police Station, to the effect that she was married with late Mantun Kumar Singh, son of petitioner no.1. Subsequently, she was blessed with two daughters, but her husband died in the year 2011. On 11.06.2016, the accused persons including the petitioners assaulted the informant and threatened to kill her and her daughters, since they were not



inclined to give any share of property in the matrimonial house, since the informant has no male child. Hence, it is alleged that the accused persons inflicted torture in order to grab the share of the property of the informant.

It is submitted by learned counsel for the petitioners that in the background of property dispute, the accusation has been levelled. The injury report of the informant has been brought on record, as contained in Annexure-3, which reflects that the informant complained pain in the shoulder, but neither any tenderness nor any mark of injury has been found, which demolishes the prosecution case that she was being brutally assaulted by the petitioners and others. There has been a family partition on 01.08.2015 and the informant has been given her share in the matrimonial property. The deed of family arrangement has been brought on record, as Annexure-2. It is further submitted that the informant has been given possession over her share of property, as per family arrangement.

Considering the accusation in the background of dispute with regard to share of property between the parties and the fact that the petitioners are ladies, who claim that the informant has been given her share in the matrimonial property, 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 twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount, each to the satisfaction of learned SDJM, Begusarai in connection with Samho P.S. Case No. 10 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioners shall be accepted by the learned Court below on filing affidavit that they will not disturb the informant in enjoying her share of matrimonial property.

(Dinesh Kumar Singh, J)

Amrendra/-

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