

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6255 of 2018

Arising Out of PS.Case No. -187 Year- 2016 Thana -SHIVSAGAR District- SASARAM
(ROHTAS)

- =====
1. Santosh Kumar, Son of Shivismurat Singh, resident of village- Nauhatta, P.S.- Belaon, District- Kaimur at Bhabua Bihar.
 2. Gopal Singh, Son of Ramgovind Singh. resident of Village- Aalmpur, P.S.- Shivsagar (O.P. Badee) District- Rohtas Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nitu Devi, Wife of Santosh Kumar, D/o Shivpujan Singh, Resident of Village- Madakan, P.O.- Raipurchor, P.S.- Shivsagar (O.P. Badee), District- Rohtas (Sasaram), at present R/o Village- Sugia Pokha, P.S.- Bhagwanpur Distt.- Kaimur (Bhabua).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 30-03-2018

Though the matter has been listed under heading for 'Office Note' since the notices issued to opposite party no. 2 have been returned unserved, but since Mr. Satyendra Pandey, learned counsel appears on behalf of informant-opposite party no. 2, the matter is being heard on merits.

Heard Mr. Mritunjay Kumar, learned counsel for the petitioners, Mr. Satyendra Pandey, learned counsel for the informant-opposite party no. 2 and learned counsel for the State.

The petitioner no. 1 being the husband of the informant and petitioner no. 2 being the maternal uncle of



petitioner no. 1 are apprehending their arrest in a case registered for the offences punishable under Sections 323, 354, 376/511, 379, 420, 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, but ultimately on conclusion of investigation, final form (charge sheet) has been submitted under Section 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case got initiated with the filing of Complaint Case No. 575 of 2016 on 22.06.2016 which came to be registered as police case on 04.07.2016 after complaint being transferred under Section 156(3) of the Cr.P.C.

The informant Nitu Devi has alleged that after the performance of marriage on 12.06.2012, she came to her in-laws house and discovered the fact that the petitioner no. 2 Gopal Singh, who was claiming to be the father of her husband Santosh Kumar, is actually his maternal uncle. Initially petitioner no. 2 Gopal Singh tried to have illicit relationship with the informant and when the informant protested, then he instigated the husband of the informant, Santosh Kumar to demand one motorcycle and for non-fulfillment of the same the torture was inflicted. It is also alleged that the husband of the informant is having illicit relationship with the wife of petitioner no. 2 Gopal



Singh, who happens to be maternal aunt of the husband of the informant. Ultimately the accused persons assaulted the informant and after snatching the jewellery and other belongings, she was driven her out from the house of petitioner no. 2 on 21.02.2016, where the husband of the informant is used to reside.

It is submitted by learned counsel for the petitioners that the marriage is not in dispute. However, due to some petty differences the accusation has been levelled but the issue has subsequently been reconciled between the parties and a petition to that effect has been filed before the learned Court below, the same has been brought on record as Annexure-2 to this application, and the said fact also gets reflected from the impugned order passed by learned Ist Additional Sessions Judge, Rohtas at Sasaram.

Learned counsel for the informant submits that under certain misconception the case was lodged. The issue has been reconciled and he is not disputing the fact of compromise petition having been filed before the learned Court below. Hence, he is not opposing the prayer for anticipatory bail of the petitioners.

Considering the fact that after conclusion of the investigation final form (charge sheet) has submitted only



under Section 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act and the issue has been reconciled between the parties, particularly the fact that the learned counsel for the informant is not opposing the prayer for anticipatory bail of the petitioners. let the above named petitioners be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below, on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sheosagar (Baddi) P.S. Case No. 187 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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