

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37433 of 2018

Arising Out of PS. Case No.-39 Year-2018 Thana- MAHILA P.S. District- Patna

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1. Most. Sumalti Devi, Wife of Late Shankar Prasad,
 2. Rajesh Kumar, Son of Late Shankar Prasad, Both are resident of Village- Tilakpura, P.O.- Amhara (Bihta), P.S.- Naubatpur, District- Patna, at present Mohalla- Saketpuri, P.S.- Bahadurpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha
For the Opposite Party/s : Mr. Sri Ramchandra Sahani

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-06-2018 Heard learned counsels for the parties.

The petitioners being mother and brother of late husband of the informant are apprehending arrest in a case registered for the offences punishable under sections 498A and 323/34 of the IPC and Sections 3 and 4 of Dowry Prohibition Act.

The prosecution case got initiated with the written report submitted by Guria Kumari to the SHO, Model Police Station, Gandhi Maidan to the effect that the informant was married with Sushil Kumar on 3.2.2014 and she was blessed with a son on 25.2.2016. The accused persons took loan of Rupees Twenty Lacs from the father of the informant for construction of house but the same was not returned. It is further alleged that after the



marriage the accused persons not only tortured the informant but they ousted her from the matrimonial house on 15.6.2015. The husband of the informant had been suffering from cancer prior to his marriage which was concealed and ultimately he died on 24.11.2017. It is alleged that after the death of husband, torture was inflicted upon the informant.

It is submitted by learned counsel for the petitioners that the petitioner no.1 is an old lady and petitioner no. 2 is brother of late husband of the informant and both are residing separately. However, it is submitted that the petitioners have no objection in allowing the informant to enjoy her share of property in the matrimonial house.

Learned APP submits that the accusation is specific against the petitioners.

Considering the nature of accusation and the present stand of the petitioners that they have no objection in allowing the informant to enjoy her share of property in the matrimonial house, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned JM Ist Class, Patna in connection with Mahila



P.S. Case No.39 of 2018 subject to the conditions laid down in
Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner will be accepted by
the learned court below on filing individual affidavit by each
petitioner before the learned court below as well as before the
concerned police station that they have no objection in allowing
the informant to enjoy her share of property in the matrimonial
house.

(Dinesh Kumar Singh, J)

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