

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38039 of 2018

Arising Out of PS. Case No.-8 Year-2018 Thana- MAHILA P.S. District- Nawada

1. Raj Kumar Mahto @ Anand Prasad, son of late Ramdhani Mahto
2. Dharmshila Devi, wife of Raj Kumar Mahto @ Anand Prasad
Both Resident of Village-Jeuri Tola, Banganpur, Police Station
-Pakribarawan, District- Nawada.

... .. Petitioner/s

Versus

1. State of Bihar
2. Shanti Devi, wife of Nitish Kumar, daughter of Vinod Prasad, Resident of
Village-Mangura, P.S.-Nawada, District-Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Opposite Party/s : Smt. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners, being the parents of the husband of the informant, are apprehending arrest in a case registered for the offences punishable under Sections 307/323/376/498A/34 of the Indian Penal Code.

The prosecution case is that the brother-in-law (jija) of the informant namely Shashi Prasad along with his cousin Nitish Kumar, frequently used to come to the house of the complainant Shanti Devi. Subsequently, the complainant developed intimacy with Nitish Kumar. On 07.05.2017, Nitish Kumar along with the petitioners came to the house of the complainant and took her to



his house at Kadirganj for performing marriage. From there the informant was taken to Rajgir Station and from there she was taken to Delhi. She stayed in Delhi for 5-6 months when Nitish Kumar cohabited with her. When she became pregnant, then the petitioners started inflicting torture upon her. Thereafter, the accused persons persuaded the informant to get her pregnancy terminated, and when she declined to do so, she was assaulted. It is further alleged that when the informant fell ill, then in course of treatment, her pregnancy was aborted by a private doctor. It is further alleged that the accused persons, including the petitioners, tried to kill the informant.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general and the thrust of accusation is against co-accused Nitish Kumar. There is no medical document on record to suggest the accusation of assault and termination of pregnancy. At present, the petitioner and the informant are residing together. Moreover, the informant has retracted from the initial version and has filed a petition to that effect before the learned Court below, which has been brought on record as Annexure-2.

It is submitted by learned APP for the State that there is specific accusation against the petitioners.



Considering the thrust of accusation against co-accused Nitish Kumar and retracted version of the informant, 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 Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Nawada, in connection with Nawada Mahila P.S. Case No.8 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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