

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63091 of 2017

Arising Out of PS. Case No.-6214 Year-2015 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. Sampat Devi, wife of Sri Surendra Bhatt
 2. Surendra Bhatt @ Surendra Kumar Bhatt, son of Late Rajeshwar Rai, Both Residents of Village- Bal Bandh, P.O.- Garhani, P.S.- Charpokhari, District- Bhojpur, Daughter of Shiv Pujan Rai, Resident of Village- Amawan, P.S.- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sobha Devi, Wife of Sanjeev Kumar Bhatt

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar
For the Opposite Party/s	:	Mr. Sri Parmeshwar Mehta
For O.P. No. 2	:	Mr. Uday Shankar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-11-2018 Heard learned counsels for the parties.

The petitioners, being the parents-in-law of the complainant have renewed their prayer for bail in a complaint case wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the IPC.

The prosecution case as per the complainant-O.P. No. 2 Shobha Devi is to the effect that her marriage with the petitioners' son namely, Sanjeev Kumar Bhatt was performed on 28.5.2004. After the marriage, the complainant was kept with dignity for 20-22 days but thereafter, she was subjected to assault and torture for non-fulfillment of further dowry demand



of Rupees Two Lacs and due to assault, the complainant's pregnancy got terminated. It is further alleged that on 23rd July, 2013, the complainant was again assaulted by her husband and after her jewellery and other articles being snatched, the complainant was driven out from the matrimonial house. Thereafter, the complainant's parents tried to resolve the issue but they were also abused by the accused persons. On 10.5.2015 the complainant approached the police in that regard, but the police refused to lodge the case, whereafter the present complaint was filed.

The petitioners preferred Cr. Misc. No. 37953 of 2016 with a prayer for anticipatory bail but since the order of the learned Sessions Judge, whereby, petitioners anticipatory bail was rejected, reflected that vide order dated 29.6.2016 only bailable warrant of arrest was issued, hence, this Court in view of the ratio laid down in the case of Salim Ansare alias Md. Salim Ansare and Ors. Vs. The State of Bihar and Anr., reported in 2015 (3) PLJR 806, whereby, it has been held that anticipatory bail application is maintainable on issuance of non-bailable warrant for accused to apprehend his arrest, this Court disposed of the bail application with a direction to the learned court below to consider the prayer for bail in case they surrender



within a period of six weeks.

It is submitted by learned counsel for the petitioners that main accused husband of the complainant has been granted bail by a Co-ordinate Bench of this Court vide order dated 17.10.2017 passed in Cr. Misc. No.49919 of 2017. It is further submitted that the thrust of accusation is against the husband of the complainant. Now, vide order dated 7.3.2017 passed by learned Magistrate, non-bailable warrant of arrest has been issued against the petitioners.

Learned counsel for the complainant-O.P. No. 2 submits that while considering the bail application of the husband of the complainant, complainant was not noticed, as a result, she could not appear and the anticipatory bail was granted to the husband of the complainant. However, the complaint petition suggests the accusation of assault and torture are levelled against the petitioners also.

Learned APP, however, submits that thrust of accusation is also against the petitioners.

Considering the fact, that in the earlier round, the application of the petitioners for anticipatory bail was not considered on merits as it was disposed of in view of the fact that only bailable warrant of arrest was issued against the petitioners and the fact that the thrust of



accusation is against the husband of the complainant who has been granted anticipatory bail by a Co-ordinate Bench of this Court, let the petitioners above named be released on bail 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 ACJM III, Nawada in connection with Nawada Complaint Case No. 6214 of 2015.

The learned court below will be at liberty to cancel the bail bonds of the petitioners in case the petitioners default on three consecutive occasions.

(Dinesh Kumar Singh, J)

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