

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70186 of 2018

Arising Out of PS. Case No.-1446 Year-2017 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Sumit Kumar, S/o Late Vishwanath Thakur,
 2. Raj Kali Devi @ Rajkali Devi @ Raj Kakli Devi, W/o Late Vishwanath Thakur, Both resident of Village- Dargha Gandhi Chowk, P.O.- Mahmadpur Badal, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rumjhum Raj, W/o Sujeet Kumar, R/o Village- Dargha Gandhi Chowk, PO- Mahmadpur Badal, PS- Sakra, District- Muzaffarpur. At present R/o Village- Khorampur, PO- Chitraur, PS- Matihani, District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nirmala Kumari
For the Opposite Party/s	:	Dr.Mrityunjaya Kr.Gautam
For the O.P. No. 2	:	Mr. Rai Mukesh Sharma
		Mr. Rajnish Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-12-2018 Heard learned counsels for the parties.

The petitioners being the mother and younger brother of the husband of the complainant are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the IPC and Section 4 of Dowry Prohibition Act .

The prosecution case is that the complainant's marriage with co-accused Sujeet Kumar was performed on 16.2.2015 but subsequently further dowry demand of Rupees Five Lacs and



jewellery was made and due to non-fulfillment of the same, torture was inflicted upon the complainant. It is alleged against the petitioner no. 1 that he wanted to establish physical relationship with the complainant.

It is submitted by learned counsel for the petitioners that the husband of the complainant filed HMA Case No. 23311 of 2017 before the learned Principal Judge, Family Court, Dwarka, Delhi with a prayer for dissolution of marriage wherein vide order dated 17.7.2017, notices were issued to the complainant and thereafter on 19.8.2017 the present complaint has been filed. It is further submitted that the thrust of accusation is against the husband of the complainant.

Learned counsel for the complainant submits that the petitioners are named in the complaint and petitioner no. 1 tried to have established physical relationship with the complainant.

Considering the thrust of accusation against the husband of the complainant and the matrimonial suit for dissolution of marriage being filed at an earlier point of time, 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 SDJM,



Begusarai in connection with Complaint Case No. 1446 of
2017 subject to the conditions laid down in Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

anil/-

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