

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5857 of 2019

Arising Out of PS. Case No.-641 Year-2018 Thana- PURNEA SADAR District- Purnia

1. Chandra Bhushan Pathak @ Shashi Bhushan Pathak, Son of Late Ram Narayan Pathak, Age-55 years, Gender-M
2. Shashi Kant pathak @ Shashikant, Age-24 years, G-M
3. Sri Kant Pathak @ Srikant, Age-26 Years, G-M
4. Mani Kant Pathak @ Manikant, Age-22 years, G-M,
2 to 4 S/o Shashi Bhushan Pathak, All Resident of Village - Shani Mandir,
Gulab Bagh, P.S.- Sadar, District- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar
For the Opposite Party/s : Mr. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Heard learned Counsels for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 376, 379 and 494 of the Indian Penal Code.

The prosecution case as per the written report of Jago Devi submitted to SHO, Sadar Police Station is to the effect that the informant was earlier married with Podhari Sahani and was blessed with three children, subsequently the husband of the informant went missing. In the year 2007, the informant met with co-accused Ravi Kant Pathak and subsequently became close to him, who promised to marry him and take care of her



children and established physical relationship with the informant. Subsequently, she performed marriage with co-accused Ravi Kant Pathak near a Civil Court temple. But, subsequent to the marriage, dowry demand of Rupees One lakh was made and due to non-fulfillment of the same, she was abused and assaulted by the co-accused Ravi Kant Pathak. It is further alleged that when she came to know about the illicit relation of the petitioner with another woman from his mobile phone, she enquired about it from him, whereupon he said that he is engaged with that lady and is about to marry her. Thereafter, the informant went to the in-laws house, where she was abused and assaulted by the in-laws family members.

It is submitted by learned counsel for the petitioners that the petitioners are father and brother of the co-accused, Ravi Kant Pathak and thrust of accusation is against co-accused Ravi Kant Pathak. It is further submitted that the accusation of assault is omnibus and general entire family members.

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

Considering the fact that even assuming the accusation to be true, the only accusation under Section 379 of the IPC has been levelled against the petitioners however, thrust



of accusation is against co-accused Ravi Kant Pathak, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, 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 **CJM, Purnea** in connection with **Sadar P.S. Case No.641 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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