

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16932 of 2019

Arising Out of PS. Case No.-2608 Year-2015 Thana- SIWAN COMPLAINT CASE District-
Siwan

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1. Sant Yadav, aged about 47 years, Male, Son of Sabru Yadav @ Sabwaru Yadav, Resident of Village - Sarsar, P.S.- Siwan Muffasil, District - Siwan
 2. Rina Devi, aged about 44 years, Female, Wife of Sant Yadav, Resident of Village - Sarsar, P.S.- Siwan Muffasil, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Devi, aged about 24 years, Female, Wife of Late Kanhaiya Yadav, D/o- Late Gorakh Yadav, Resident of Village - Pinrthu Khurd, P.S.- Daraunda, District - Siwan, At present Resident of Village - Ramsapur, Tole- Lopar Ramsapur, P.S.- Daraunda, District - Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-03-2019 Heard both sides.

Petitioners apprehend their arrest in Complaint Case No.2608 of 2015, registered under Sections 302, 354, 498A and 34 of the Indian Penal Code.

The complainant named the petitioners along with other accused persons and alleged that the accused persons used to demand dowry and due to non-fulfillment of demand of dowry, the accused persons subjected the complainant to different sorts of torture. It is alleged that the accused persons killed her father-in-law and husband.



Learned counsel for the petitioners submits that petitioner no.1, Sant Yadav is the brother-in-law, husband of sister of Gorakh Yadav and petitioner no.2 is the wife of petitioner no.1. Of course the complainant named the petitioners in the complaint petition but the complainant did not make any sorts of allegation against the petitioners. The complainant has alleged that her father-in-law and husband were killed by her brother-in-law, Rajesh Yadav and other accused persons but no information was given to the police. The husband of the complainant died and thereafter the dispute arose for partition of the property. Since the petitioners are relatives of the father-in-law of the complainant, they tried to pacify the matter and make efforts for amicable settlement of the dispute that is why the petitioners have been made accused in the case.

It appears from perusal of the complaint petition that of course the petitioners are named in the complaint petition but the complainant did not make any sorts of allegation against the petitioners. The complaint petition itself was filed by the complainant after three years of the death of her husband. The complainant has alleged that her husband was poisoned to death but no information was given to the police nor any case was lodged for death of her husband.



Taking into consideration the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged 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 A.C.J.M.-XI, Siwan in connection with Complaint Case No.2608 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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