

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67283 of 2018

Arising Out of PS. Case No.-1007 Year-2017 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Prem Kumar Son of Late Bhola Ram
 2. Gita Devi Wife of Prem Kumar Mouhi
 3. Padmini Kumari D/o Prem Kumar Mochi Resident of Bhawanipur Colony, Stadium Chowk, Bachchhi, Ward No.6, P.S. and Distt.-Madhubani

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Archana Kumari D/o of Vinay Kumar Ravidas Resident of Village- Kanhauli, P.S. Khajauli, Distt.-Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha
For the Opposite Party/s : Mr. Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 16-04-2019 Heard learned counsels for the petitioners and the State. However, none appears on behalf of opposite party no.2.

It appears that in pursuance to notices issued to opposite party no.2, initially on 24.02.2019, Mr. Ugranath Mallik, learned Advocate had entered appearance by filing Vakalatnama on behalf of opposite party no.2 and subsequently, on 25.02.2019, Mr. Sanjay Kumar Jha and Mr. Satyaveer, learned Advocates have also entered appearance on behalf of opposite party no.2. Thereafter the matter was taken up on 09.04.2019, but none was appearing on behalf of opposite party no.2 when the matter was adjourned for today, i.e., 16.04.2019.



Today also none is appearing on behalf of opposite party no.2.

Hence, the matter is being taken up for hearing on merits.

The petitioners, being the parents and sister 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 and 313 of the IPC and Sections 3/4 of Dowry Prohibition Act.

The prosecution case, as per the complaint case, is to the effect that the complainant was married with co-accused Vikram Kumar on 11.07.2016, but subsequent to the marriage, further dowry demand of Rs. 5 lacs was made and due to non-fulfillment of the same, the torture was inflicted upon the complainant by all the accused persons including the petitioners. It is further alleged that all the accused persons got the pregnancy of the complainant terminated and ultimately, drove her out from matrimonial house.

It is submitted by learned counsel for the petitioners that accusation against the petitioners is omnibus and general and the thrust of accusation is against the husband of the complainant, who has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 09.10.2018, passed in Cr. Misc. No. 62397 of 2018. It is further



submitted that there is no medical document on record suggesting the accusation of termination of pregnancy of the complainant.

Learned APP submits that accusation against the petitioners is specific.

Considering the thrust of accusation against the husband of the complainant and the husband of the complainant, being granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, coupled with the 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/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Purnea in connection with Complaint Case No. 1007 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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