

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27758 of 2015

Arising Out of PS.Case No. -894 Year- 2012 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

- =====
1. Md. Harun
 2. Md. Ayub, Both are sons of Md. Israil, Resident of Village –Saharsa Basti, Ali Road Ward No. 31, Hatia Ganchi, P.S.& District – Saharsa.
- Petitioners

Versus

1. The State of Bihar
 2. Nasreen Parween, D/O- Md. Sahabuddin, W/O Md. Harun, Resident of Mohalla- Ali Road Ward No. 31, P.S. & District – Saharsa, at present of Village – Marar, P.S.- Morkahi, District – Khagaria.
- Opposite Parties
- =====

Appearance :

For the Petitioners : Mr. Nafisuzzoha, Advocate.

For the Opposite Parties : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-07-2015 Heard both sides.

The petitioners apprehend their arrest in registered for the offences punishable under Section 498A of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act.

The petitioner no. 1 is husband and petitioner no. 2 is brother-in-law of the complainant. The complainant made allegation of demand of dowry and torture against her husband and other family members.

Learned counsel for the petitioners submits that petitioner no. 1 is husband and he is ready to keep his wife, but on the other hand learned counsel for the complainant submits that the case was compromised and petitioner no. 1 took the complainant to his house, thereafter again she was subjected to different sorts of torture and

ultimately driven out from the house.

Considering the facts aforesaid and the fact that no specific allegation is made against petitioner no. 2 Md. Ayub who happens to be brother-in-law of the complainant, the petitioner no. 2, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Learned Sub-Divisional Judicial Magistrate, Khagaria in Complaint Case No. 894C of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as case of petitioner no. 1 Md. Harun is concerned, he is husband of the complainant and has compromised the case in court and took his wife to his house on 17.12.2014, but again the complainant was tortured and driven from the house, considering the facts aforesaid, I am not inclined to enlarge the petitioner no. 1 Md. Harun on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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