

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36349 of 2014

Arising Out of PS.Case No. -1534 Year- 2013 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

- =====
1. Nishant Alam @ Mintu @ Nishat Alam S/o Fakra Alam
 2. Rehana Parveen @ Rehana Khatoon w/o Fakra Alam
 3. Sajda Kaushar W/o Nishant Alam
 4. Saba Kaushar W/o Sarfaraj Alam
All Resident of Village Pokharia, Ward No. 39, Police Station
Begusarai, District Begusarai.
 5. Heena Kaushar @ Rozi W/o Aftab Alam
 6. Aftab Aalam S/o Late md. Sahayat
Both Resident of Shahinbag, Street No. 8, Building No. E/41 Okhla,
P.S. Okhla, New Delhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.40452 of 2014

Arising Out of PS.Case No. -1534 Year- 2013 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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Md. Shahbaz Alam @ Shahbaz Alam @ Nawab Son of Fakhre Alam
Resident of Mohalla-Pokhariya, Ward No.-39, P.S.-Town, District-
Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Farzina Praveen W/o Shahbaz Alam, D/o Md. Sajjad Hussain Resident
of Gandhi Path, Ward No.-21, P.S. AND DistrictSaharsa.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.36349 of 2014)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

For the Opposite Party/s : Mr. M.K. Nirala (App)

(In Cr.Misc. No.40452 of 2014)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

For the Opposite Party/s : Mr. Ram Sewak Choudhary(App)

For the Informant : Mr. Krishna Prasad Singh, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-02-2015

Heard learned counsel for the parties.

It is a peculiar case in the sense that while the



petitioners of these cases face allegation for offence under Section 323, 504, 506, 498A of the Indian Penal Code and Section 3 & 4 of the Dowry Prohibition Act but then there seems to be some sort of inter family dispute arising out of the fact the petitioner, namely, Md. Shahbaz Alam @ Shahbaz Alam @ Nawab who is the husband of Farzina Praveen, the complainant informant of this case and his other family members the petitioners of the other case are aggrieved because Saba Kausar the sister of petitioner Md. Shahbaz Alam married to Sarfaraz Alam, the brother of Farzina Praveen, has been driven away by the family members of Farzina Praveen for which an earlier complaint case no. 1020C/2013 is pending before Chief Judicial Magistrate, Begusarai.

Today when these cases have been heard, learned counsel for the petitioners and informant represented by Mr. Ajay Kumar Thakur and Mr. Krishna Prasad Singh, learned senior counsel respectively have submitted that both the families are now ready to settle their dispute wherein the petitioner Md. Shahbaz Alam would restore his relationship with his wife Farzina Praveen, the complainant opposite party no. 2 with due respect and humility whereas Sarfaraz Alam, the brother of Farzana Praveen will also extend similar treatment to his wife Saba Kausar and would give her due dignity as his wife.

Keeping in view that the fate and future of the two

families are involved, this Court would grant privilege of anticipatory bail to all the petitioners only on the following terms and conditions:-

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- (i) The petitioners as also Farzina Praveen, opposite party no. 2 and her father Md. Sajjad Hussain as well as her brother Sarfaraz along with Saba Kausar shall appear before the Court below on 9th March 2015 and give a written undertaking for both Farzina Praveen and Saba Kausar being restored their due dignity and status as wife of Md. Shahbaz Alam and Sarfaraz Alam respectively. Anyone of the aforesaid person not appearing and/or filing the aforesaid written undertaking before Court below shall become liable for being proceeded and punished by this Court for committing contempt of this Court.
- (ii) The relationship of both the couples namely Md. Shahbaz Alam Farzina Praveen as well as Sarfaraz Alam and Saba Kausar shall be kept under close surveillance of the court below and in the event of proven misconduct of ill treatment of either Farzina Praveen and Saba Kausar by their husband or their respective family members of report shall be submitted to this court for taking appropriate action against the erring person(s).
- (iii) The complaint case no. 1020C/2013 pending before Chief Judicial Magistrate, Begusarai for this purpose of monitoring

the relationship of the couples shall accordingly stand transferred to the Court of Subdivisional Judicial Magistrate, Saharsa or any other court where complaint case no. 1354C/2013 is pending.

- (iv) The S.D.J.M., Saharsa having been satisfied of this family arrangements, would grant bail to the petitioners, namely, Nishant Alam @ Mintu @ Nishat Alam, Rehana Parveen @ Rehana Khatoon, Sajda Kaushar, Saba Kaushar, Heena Kaushar @ Rozi, Aftab Alam (All petitioners of Cr. Misc. No. 36349 of 2014) and Md. Shahbaz Alam @ Shahbaz Alam @ Nawab (petitioner of Cr. Misc. No. 40452 of 2014) on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Saharsa in connection with Complaint Case No. 1534C of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.
- (v) That both the bailors will be a close relative of the petitioners, who will file an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (vi) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be

released on bail.

(vii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(viii) That the petitioners will be well represented on each and every date in course of trial and if they fails to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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