

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9352 of 2015

Arising Out of PS.Case No. -351 Year- 2014 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

- =====
1. Ajijan Khatoon Wife of Md. Oli
 2. Md. Amajad Son of Md. Oli
 3. Md. Oli Son of Late Md. Siraman
 4. Bibi Mahmood Khatoon Wife of Md. Sohrab
 5. Bibi Samina Khatoon Wife of Md. Mastkil
 6. Bibi Aasmin Khatoon Wife of Md. Afsar Ali @ Munna
 7. Afsar Ali @ Munna Son of Md. Oli
- All residents of village - Madhaili, P.S. Alam Nagar, district - Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. Afsari Khatoon Wife of Md. Afsar Ali @ Munna Resident of village - Madhaili, P.S. Alam Nagar, district - Madhepura presently residing at Daughter of Md. Tafir @ Taafo, Resident of village - Dumrail, P.S. Puraini, District - Madhepura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh
For the Opposite Party/s Mr. Bharat Bhushan(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 09.03.2015 Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State.

Except petitioner nos. 6 and 7, all petitioners are in-laws of the complainant and it has specifically been averred in the complaint petition that earlier complainant had filed criminal case against the petitioners but the aforesaid criminal case ended in compromise and furthermore, difference between the complainant as well as in-laws including her husband cropped when her husband solemnized his second marriage with petitioner no.6.

Considering the aforesaid facts and circumstances as well as



submissions of the parties, in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let petitioner nos.1 to 6, namely, Ajijan Khatoon, Md Amajad , Md. Oli, Bibi Mahmooda Khatoon, Bibi Samina Khatoon and Bibi Aasmin Khatoon be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of Sri P.K. Chaudhary, Judicial Magistrate, Ist Class, Uda-kishunganj, Madhepura/concerned court in connection with Complaint case no. 351/2014 subject to condition as laid down under section 438(2) of the Cr.P.C.

So far as petitioner no.7, Afsar Ali @ Munna is concerned, his prayer for anticipatory bail stands disposed of with direction to him to surrender before Sri P.K. Chaudhary, Judicial Magistrate, Ist Class, Uda-kishunganj, Madhepura/concerned court in connection with Complaint case no. 351/2014 within four weeks from today and seek regular bail and if he does so, the concerned court shall release him on provisional bail on the day of his surrender for a period of four months on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to his satisfaction.

Furthermore, after being released petitioner no.7 on provisional bail, the concerned court shall issue notice to him as well as complainant fixing a date for reconciliation and shall take all possible steps to patch up the dispute of the parties and in the above stated attempt, if the concerned court succeeds to patch up the dispute of the parties, the concerned court shall pass order for confirmation of bail of petitioner no.7 but if the concerned court fails due to rigid

approach of petitioner no.7, then, in that event, provisional bail of the petitioner no.7 will not be confirmed by the court below and in that event, petitioner no.7 shall be taken into custody and his regular bail application shall be decided by the concerned court on its own merit.

It goes without saying that if the aforesaid effort fails on account of rigid and non-cooperative approach of the complainant, the provisional bail of petitioner no.7 shall be confirmed by the court below itself.

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(Hemant Kumar Srivastava,J)

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