

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40246 of 2014

Arising Out of PS.Case No. -354 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

- =====
1. BIBI RUKAIYA &
 2. MUSTKIM @ MD. .MUSTAKIM, BOTH RESPONDENTS OF VILLAGE PURAINI
MOMIN TOLA, POLICE STATION JAGDISHPUR, DISTRICT BHAGALPUR.

.... Petitioners

Versus

1. STATE OF BIHAR &
2. BIBI MUSARAT JAHAN, WIFE OF MUSTKIM, RESIDENT OF VILLAGE
PURAINI MOMIN TOLA, POLICE STATION JAGDISHPUR, DISTRICT
BHAGALPUR

... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar & Niharnandan, Advocate
For the informant : Mr. P.K.Agrawal, Advocate and
For the State : Mr. S.K.Pandey, (App)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

5 23-09-2015 Pursuant to the earlier order, petitioner no.2 and

opposite party no.2 along with her father, are present in person.

After hearing the parties separately, this Court finds

that reconciliation at this stage does not seem in offing.

Opposite party no.2 has filed a complaint case under
section 498A Indian Penal Code and section 4 of the Dowry
prohibition Act alleging that her in laws including petitioner
no.1, and petitioner no.2, who happen to be her aunt-in-law and
husband tortured her for non fulfillment of dowry. The learned
Sessions judge in his order dated 13.8.2014 observed that the
learned Magistrate has issued summons after taking cognizance,
as such, the petitioners should have no apprehension of arrest.

The petitioner no.1 has already been granted the privilege of anticipatory bail vide order dated 1.7.2015.

In the facts and circumstances of the case, let petitioner no.2 (MUSTKIM @ MD. MUSTAKIM) be also released on bail in the event of surrender, on furnishing bail bond of Rs.5,000/- with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Bhagalpur in Complaint case no. 354 of 2013 on the following condition:-

He would regularly deposit Rs.850/- by 10th of every coming month, in the bank account of his wife, opposite party no.2 (BIBI MUSARAT JAHAN). In case, the petitioner fails to deposit the said amount for two consecutive months, his bail bond would be liable to be cancelled by the court below. This amount is by way of interim measure, and would be subject to any order passed under section 125 Cr.P.C. or under any other provisions of law.

In case, opposite party no. 2(Bibi Musasrat Jahan) has no bank account, the bank authorities would co-operate in opening a bank account in her name.

(Samarendra Pratap Singh, J)

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