

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55675 of 2015

Arising Out of PS.Case No. -951 Year- 2014 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

- =====
1. Jasimuddin @ Jasmuddin Khan
 2. Ashma Khatoon.
 3. Sabbir Khan @ Sabbiruddin
 4. Sarwar Khan @ Sarwar.
 5. Hadisa Khatoon.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Opposite Party/s : Mr. Tapeswar Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-12-2015

Heard learned counsels for the petitioner and the State.

The petitioners being the brothers and brothers' wife 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 379 of the Indian Penal Code.

The basic accusation is of torture.

It appears that the learned Sessions Judge disposed of the anticipatory bail application of the petitioners in view of the ratio **Salim Ansare @ Md. Salim Ansare and Others Vs. The State of Bihar & Another** reported in **2015 (3) PLJR, 806 (Cr. Misc. No. 51075 of 2014)** since only the summons were

issued.

It is submitted by learned counsel for the petitioners that now 83, 84 Cr. P.C. proceedings have already been issued. It is further submitted that the accusation is omnibus and general against the petitioners and the petitioners are separate from the husband of the complainant.

Considering the fact that only 82, 83 Cr. P.C. proceedings have been issued, this Court is not inclined to interfere.

However, considering the thrust of accusation against the husband of the complainant, it is a case for consideration of prayer for regular if the petitioners surrender within a period of six weeks in connection with Complaint Case No. 951 of 2014 pending in the court of learned CJM, Aurangabad.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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