

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10084 of 2015

Arising Out of PS.Case No. -28 Year- 2014 Thana -MAHILA PS District- GAYA

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1. Md. Akhtar Hussain @ Akhtar Hussain S/o Nanhu Mian @ Sattar Mian
2. Nanhu Mian @ Nanhun Mian @ Sattar Hussain S/o Late Karu Mian
3. Saheda Khatoon W/o Nanhu Mian @ Sattar Mian,
4. Asma Parveen @ Praveen D/o Nanhu Mian @ Sattar Mian,
5. Anwar Hussain S/o Nanhu Mian @ Sattar Mian,
All are residents of village - Katari Road, Islamganj, P.S. - Chandauti,
District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the State : Mr. Uma Shankar Pd. Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-03-2015 Heard learned counsel for the petitioners and the State.

The petitioners being the brothers, parents and sister of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Section 498A, 495, 323, 341/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand and performing marriage by concealing earlier marriage.

It is submitted by the learned counsel for the petitioners that the learned Sessions Judge failed to consider

the prayer for bail of the petitioners on merit only on the ground that the petitioners were noticed under Section 41A of the Cr.P.C. Mere issuance of notice under Section 41A (1) of the Cr.P.C. or complying the terms of notice by the concerned person under Section 41A (2) of the Cr.P.C. does not amount to police bail. Section 41A of the Cr.P.C. stipulates a provision of issuance of notice by the police for appearance of a person against whom reasonable complaint was made or credible information being received or a reasonable suspicion exists when the arrest is not required. So far as merit of the case is concerned, the thrust of accusation is against the husband of the informant.

Considering the aforesaid facts, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Gaya in connection with Mahila P.S. Case No. 28 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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