

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27599 of 2015

Arising Out of PS.Case No. -1970 Year- 2014 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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1. Abdul Gaffar S/o Late Nazir
2. Fulbibibi W/o Abdul Gaffar Both resident of village- Sirniyan , P.S.-
A.P.M. District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shahnaj Khatoon W/o Md. Shahwaz R/o Vill- Sirniya, P.S. Ashok Paper
Mil , Distt.- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Jha
For the Opposite Party/s : Mr. P.K. Chourasiya (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-09-2015 No one appears on behalf of opposite party no.2.

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case
instituted under Sections 420 and 120B of the Indian Penal Code.

The prosecution story, in brief, is that the
complainant was married with Shahnawaz and she gave birth of a
female child. Due to dispute, a case was filed against the husband
of the complainant, which was compromised with a condition to
pay of Rs. 1.5 lacs and draft of Rs. 1.5 lacs as maintenance to the
complainant. It is further alleged that the petitioners demanded
the said money and on denial he was assaulted and tortured by

these petitioners. At last she gave Rs. 1.5 lacs and draft of Rs. 1.5 lacs and other ornaments. It is also alleged that when the complainant went to demand the said money and ornaments, the petitioners assaulted the complainant and threw her on the ground and assaulted on abdomen and chest with legs and in this way the petitioner misappropriated total Rs. 3 lacs and ornaments.

It has been submitted on behalf of the petitioners that petitioners are none else but the father and mother of the complainant of the present case. Prior to the institution of the present case, a case was instituted by petitioner no.2 against the husband of the present complainant for offence under Section 376 and other allied Sections of the Indian Penal Code against the husband of the present complainant for committing rape upon the complainant. The said case was compromised between the parties on the condition that the husband of the present complainant shall pay Rs. 1,50,000/- in cash and make fixed deposit of another Rs. 1,50,000/- in favour of the present complainant. Later on, the victim of Annexure 2 and accused of Annexure 2 got married. The present complaint case has been filed by the daughter of the petitioners on instigation of the husband of the complainant, who happens to be the accused in A.P.M. P.S. Case No. 91 of 2011 (Annexure 2) with an intention to harass the petitioners for no

fault of their.

On behalf of the State, it has been submitted that the petitioners are named in the complaint petition i.e. Annexure 1.

Considering the aforesaid facts, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M., 1st Class, Darbhanga in connection with Complaint Case No. 1970 of 2014, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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