

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28579 of 2016

Arising Out of PS.Case No. -40 Year- 2015 Thana -MAHILA P.S. District- NAWADA

- =====
1. Md. Seraj Ansari @ Seraj Ansari, son of Md. Khalil Ansari
 2. Jailboon Nisha, wife of Md. Seraj Ansari

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Ahmad Ali (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-07-2016 Heard learned counsels for the petitioners, informant
and the State.

The petitioners being the parents of the husband of the informant are apprehending arrest in a case registered for the offences punishable under Section 498A/406/307/467/468/371/34 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case is of inflicting torture after one year of marriage and making assault.

It is submitted by learned counsel for the petitioners that the accusation is not specific against the petitioners and there is no injury report on record. A statement to that effect has been made in paragraph 13 of the petition, which reads as follows :-

"That the falsity of the prosecution case was apparent from the fact that although it has been alleged that petitioners

and other are said to have assaulted the opposite party no.2 and tried to kill her, but no document either injury report or prescription is available on record to support the same."

It is submitted by learned counsel for the informant that the petitioners have allowed their son to work at Kolkata and the informant has been given life threatening.

It is further submitted by learned counsel for the petitioners that though the mediation could not succeed as the son of the petitioner could not appear and petitioners refused to keep the informant but now the petitioners are ready to allow the informant to enjoy her share of property in the matrimonial house

Considering the aforesaid facts, let the above named petitioners be released on provisional anticipatory bail for six months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Nawada in connection with Nawada Mahila P.S. Case No.40/2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners shall be accepted by the learned court below on filing of separate affidavit to the

effect that they will allow the informant to enjoy her share property in matrimonial house. It is expected that the learned Court below shall get the said affidavit transmitted to the concerned police station.

The provisional bail of the petitioners shall be confirmed by the learned court below on verification of the fact from the record that informant has not received any injury, but if it is found that the informant has received any injury, then the petitioners shall surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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