

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35636 of 2016

Arising Out of PS.Case No. -2163 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Md. Usuf @ Md. Usuf Mian, aged about 90 years S/o Late Mohar Mian.
2. Sabujan Khatoon, aged about 85 years W/o Md. Usuf Mian
3. Serajul Mian @ Reyajul Mian S/o Usuf Mian
4. Serul Katoon @ Sairul Khatoon W/o Jamaluddin
5. Shaimul Khatoon W/o Serajuddin Mian
6. Md. Jamaluddin @ Md. Jamaludin S/o Usuf Mian All resident of
Village- Badharwa, P.S- Kalyanpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Apsana Khatoon @ Apsana Khatoon W/o Md. Reyajuddin & D/o Md.
Jahangir At present resident of Mohalla- Bhagwanpur P.S- Sadar, District-
Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Jitendra Kr. Singh-1(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 22-08-2016 Heard learned counsels for the petitioners and the State.

The petitioners being parents, brothers' wife and
brothers of the husband of the complainant are apprehending arrest
in a complaint case in which process has been directed to be
issued after cognizance being taken for the offences punishable
under Section 498A of the Indian Penal Code and sections 3 and 4
of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of
dowry demands.



It is submitted by the learned counsel for the petitioners that petitioner nos. 1 and 2 are aged about 80-85 years. More over, the petitioners claim to be separate from the husband of the complainant. The impugned order reflects that the application for anticipatory bail was disposed of since only summons were issued but it is submitted that now non-bailable warrant of arrest has been issued. Statement to that effect has been made in paragraph 1 of the petition.

Learned counsel for the complainant submits that the complainant is ready to resume the conjugal life. However, learned counsel for the petitioners submits that the petitioners undertake to allow the complainant to enjoy her share of property in the matrimonial house.

Considering the thrust of accusation against the husband of the complainant and the present stand of the petitioners, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM (E), Muzaffarpur in connection with Complaint Case No. 2163 of 2013 subject to the conditions as laid down under Section

438(2) Cr.P.C.

The bail bonds of the petitioners will be accepted on filing of an individual affidavit by the petitioners before the learned court below that they will allow the complainant to enjoy her share of property in the matrimonial house. The said affidavit will be transmitted by the learned court below to the concerned I.O. Non compliance of the aforesaid undertaking will give liberty to prosecution to file application for cancellation of bail by learned court below.

(Dinesh Kumar Singh, J)

Anil/-

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