

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5380 of 2016

Arising Out of PS.Case No. -208 Year- 2015 Thana -ROSERA District- SAMASTIPUR

1. Md. Zakir Hussain, Son of Late Md. Ibrahim
2. Hadisha Khatoon, Wife of Md. Zakir Hussain
3. Md. Lal @ Md. Lalo, Son of Md. Zakir Hussain. All are resident of Village- Sonupur, P.S- Rosera, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kismati Khatoon, Wife of Akram Raja and daughter of Md. Nayeem Resident of Village- Sonupur, P.S.- Rosera, District- Samastipur.

.... Opposite Party/s

With

Criminal Miscellaneous No.4382 of 2016

Arising Out of PS.Case No. -208 Year- 2015 Thana -ROSERA District- SAMASTIPUR

Shabnam Khatoon, Wife of Md. Lal, Resident of Village - Sonupur, P.S. - Rosera, District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.5380 of 2016)

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, APP

(In Cr.Misc. No.4382 of 2016)

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

For the Opposite Party/s : Mr. Madhurilata, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-02-2016 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend arrest in connection with Rosera P.S. Case No. 208/15 for offences alleged under Sections

341, 323, 324, 326, 307, 498-A/34 of the Indian Penal Code and under Sections 3 of the Dowry Prohibition Act. Later on Section 302 I.P.C. has been added as the informant succumbed to her injuries.

The prosecution case, as alleged by the informant, is that she was married with Akram Raja according to Muslim rites and rituals and went to her Sasural but when she came to her Maik, her Vidai was not performed, which was performed after a panchayati. Informant learnt that her husband has illicit relation with his Bhabhi and on two occasions she caught red-handed her husband entangled with her Bhabhi and when protested, a demand of Rs. 50,000/- was made and threat of dire consequence was given by the husband of the informant. On 08.09.2015 at about 11.30 P.M. husband of the informant poured kerosene oil on the informant, fire was extinguished by mohalla people and the informant was brought at Public Health Centre, Rosera by her maternal uncle from where she was referred to Civil Hospital, Samastipur and lastly to D.M.C.H.

It has been submitted by learned Senior Counsel Sri Suraj Narayan Prasad Sinha along with Sri Rohit Kumar appearing for the petitioners that petitioner nos. 1, 2 and 3 in Cr. Misc. No. 5380 of 2016 are father-in-law, mother-in-law and

Dewar of the victim girl and petitioner in Cr. Misc. No. 4382 of 2016 is Bhabhi having no criminal history. It has further been submitted that all the independent witnesses of the case, as per paragraphs 6 and 7 of the case diary, unanimously stated that the petitioners were not present in the house at the time of occurrence and allegation is upon the husband of the victim.

Learned APP for the State, however, submits that petitioners are named in the First Information Report and opposes the prayer for bail.

Be that as it may, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rosera, Samastipur, in connection with Rosera P.S. Case No. 208/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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