

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8491 of 2016

Arising Out of PS.Case No. -508 Year- 2015 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Akhtar Ali Son of Late Asgar Ali
 2. Shahid Ali @ Md. Shahid Son of Late Asgar Ali
 3. Noorjahan Khatoon @ Most. Noorjahan Khatoon wife of Late Asgar Ali
 4. Bano Khatoon wife of Akhtar Ali
 5. Shahina Khatoon wife of Shahid Ali
 6. Fatima Khatoon daughter of Late Asgar Ali

All residents of village- Miscot, P.S.- Motihari, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Nargish Khatoon daughter of Jamil Khan, resident of village- Chand Saraiya, P.S.- Piprakothi, District- East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Anant Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-02-2016

Heard learned counsel for the petitioners and the State.

The petitioners being the brothers, mother, brother's wife and sister of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 498A, 323, 350, 406, 120B of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by the learned counsel for the petitioners that omnibus and general accusation has been levelled against the entire family members of the husband of the informant. The thrust of accusation against the husband of the informant. Earlier the informant filed Complaint Case No. 419 of 2011 levelling accusation under Sections 498A, 323, 406, 504/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, wherein the petitioners are on bail. Initially the husband of the informant filed Matrimonial Suit No. 272 of 2010 for restitution of conjugal life, but when the informant failed to resume the conjugal life the husband of the informant divorced as per the Muslim rites and rituals and consequently filed Matrimonial Suit No. 114 of 2015 for confirmation of "Talak".

Considering the fact that earlier complaint was filed in which they are on bail, Moreover the Matrimonial Suit either for restitution of conjugal life or Matrimonial Suit for divorce prior to lodging of the present case has been filed, 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 Chief Judicial

Magistrate, Motihari, East Champaran in connection with
Motihari Town P.S. Case No. 508 of 2015, subject to conditions
as laid down under Section 438(2) of the Code of Criminal
Procedure.

(Dinesh Kumar Singh, J)

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