

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28963 of 2015

Arising Out of PS.Case No. -191 Year- 2013 Thana -CHHATAPUR District- SUPAUL

- =====
1. Md. Samshul Hoda @ Samshul Hoda Son of late Md. Hadish.
 2. Md. Manjar Alam@Manjur Alam son of Md. Samsool Hoda. Both resident of Village- Mohanpur Katahara, P.s Chhatapur, District Supaul.
- Petitioner/s

Versus

1. The State of Bihar
 2. Taranum khatti D/o Md. Tauhir resident of Gauhati, Gram Panchayat- Rewahi, P.s Narpatganj, District Araria.
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat
For the Opposite Party/s : Mr. Smt. Nirmala Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 05-01-2016 The matter has been listed under the heading “For Orders’ for filing an affidavit with regard to the jointness of O.P. No. 2 with her mother who received notice on her behalf. The said affidavit has been filed. Hence, let the notices issued to O.P. No. 2 treated to be deemed validly served.

Petitioner No. 2 being husband of the informant and petitioner No. 1 being father of petitioner No. 2 are apprehending their arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

None appears on behalf of the informant/O.P. No. 2.

A supplementary affidavit has been filed to

the effect that informant/O.P. No. 2 Bibi Taranum Khatoon has married with Md. Tanjeer son of Md. Najir of village-Akarthapa, Araria. A statement to that effect has been made in para 2 of the supplementary affidavit which reads as follows:-

“That during pendency of present application the Opposite Party No. 2(former wife of petitioner) Bibi Taranum Khatoon solemonized marriage with Md. Tanjeer, son of Md. Najir, resident of Village-Akarthapa, P.S.-Bhargama, District-Araria. In this regard a certificate has been issued by Shri Mahinaj the Mukhiya of Gram Panchayat Raj-Bibharia, Block-Bhargama, District-Araria on 12.11.2015”.

Considering the fact that in spite of issuance of notice to the informant/O.P. No. 2, she chose not to appear though notice has been received by her mother, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory 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 Sub-Divisional Judicial Magistrate, Supaul in connection with Chhatapur P.S. Case No. 191 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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