

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39271 of 2016

Arising Out of PS.Case No. -31 Year- 2016 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Nek Mohammad Mian @ Nek Mohammad Ansari son of Late Sahabdin Mian.
 2. Shahjahan Khatoon @ Shajaha Khatoon wife of Nek Mohammad Mian @ Nek Mohammad Ansari.
 3. Rukhsana @ Rukhsana Khatoon wife of Kasim Mian @ Kasim Ansari
 4. Kasim Mian @ Kasim Ansari son of Khairul Mian.
 5. Guriya Khatoon D/o. Nek Mohammad Mian @ Nek Mohammad Ansari

.... Petitioner/s

Versus

1. The State of Bihar
2. Rani Begam wife of Aiyaz Ansari, D/o- Basir Ansari

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sri Amrendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-09-2016 Heard learned counsels for the petitioners and the State.

The petitioners being the parents, sisters and brother-in-law of the husband of the informant are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 313, 406, 499, 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand and performing second marriage of the husband of the informant. It is also alleged that the accused persons got the pregnancy of the informant terminated against her wishes and

ultimately driven out her from the matrimonial house.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general and the petitioners claim to reside separately from the husband of the informant. There is nothing on record to suggest that actually the pregnancy of the informant got terminated. Earlier, the informant has also filed Complaint Case No.2524/2015 with similar accusation, which is pending for inquiry. Moreover, the petitioners have no objection in allowing the informant to enjoy her share of property in the matrimonial house.

Considering the nature of accusation being omnibus and general against 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 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 CJM, Motihari, in connection with Mahila P.S. Case No.31/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners will be accepted by the learned court below on filing of separate affidavit by each petitioner to the effect that they will allow the complainant to

enjoy her share of property in matrimonial house. It is expected from the learned Court below to get the said affidavits transmitted to the SHO of concerned police station.

Ashwini/-

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(Dinesh Kumar Singh, J)