

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44408 of 2016

Arising Out of PS.Case No. -39 Year- 2016 Thana -MAHILA PS District- DARBHANGA

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1. Barkat @ Abdul Barkat Son of Late Md. Khalil,
 2. Husain Ara @ Musne Ara, wife of Abdul Barkat,
 3. Nadra Khatoon @ Ladli, daughter of Abdul Barkat,
 4. Md. Ishteyaque Son of Abdul Barkat.
- All resident of Village- Fatahpur, P.S.- Manigachhi, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raziya Khatoon, Daughter of Md. Obaid (W/o Md. Islam), resident of Village- Parari, P.S. Bahadurpur (Fekala O.P.), District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 06-10-2016

Heard learned counsels for the petitioners

and the State.

The petitioners being the parents, married sister and brother of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 341, 342, 323, 324, 498A, 406, 420, 504/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand. The specific case of the informant is that her marriage was solemnized with co-accused

Md. Islam on 27.05.2010 but thereafter the torture was inflicted for non-fulfillment of further dowry demand and ultimately the mother of the informant transferred 19 dhurs land worth Rs.3,00,000/- in favour of petitioner no. 1. For sometime the informant was kept properly by the in-laws and thereafter again further demand of Rs.2,00,000/- was made and torture was inflicted.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. The land was not transferred by the mother of the informant in favour of petitioner no. 1 by way of dowry but, in fact, the petitioner no. 1 had purchased the same for valid consideration which gets reflected from the sale deed itself. The petitioner no. 1 lodged informatory petition on 30.08.2014 and thereafter the present FIR was registered on 09.05.2016. The thrust of accusation is against the husband of the informant.

Considering the aforesaid facts, 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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial

Magistrate, Darbhanga in connection with Mahila P.S. Case No. 39 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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