

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51858 of 2016

Arising Out of PS.Case No. -236 Year- 2016 Thana -BARH District- PATNA

- =====
1. Sabana Ali d/o Late Ali Ahmed wife of Abu Zaid, resident of Chondi P.S.- Barh, District- Patna at present residing at Seikhpura Pahari P.S.- Seikhpura, District- Patna
 2. Mumtaz Ali son of Late Ali Ahmed, resident of Chondi, P.S.- Barh, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 21-12-2016 Heard learned counsel for the petitioners and
learned counsel for the State.

Petitioners apprehend arrest in connection with Barh P.S. Case No. 236 of 2016 registered under Sections- 498A, 376, 354, 34, 323, 504 of the Indian Penal Code and sections 3/4 of the Dowry Prohibition Act.

The allegation against the petitioners is of torture due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that they have been implicated in this case just because they are family members of the informant husband. Petitioner no. 1 is married Nanad of the informant and petitioner no. 2 is elder brother of the husband of the informant and they both reside



separately from the husband of the petitioner.

Considering the facts and circumstances of the case, the petitioner no. 1, Sabana Ali, in the event of arrest or surrender within a period of four weeks from today, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Barh, Patna in connection with Barh P.S. Case No. 236 of 2016 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

However, considering the fact that petitioner no. 2 has criminal history as he is accused in Barh P.S. Case No. 103 of 2010 registered under section 448, 341, 323, 354, 34 of the Indian Penal code, I do not feel inclined to grant him the privilege of anticipatory bail. His prayer for grant of anticipatory bail is, therefore, rejected.

(Arvind Srivastava, J)

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