

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38850 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -PRANPUR District- KATIHAR

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1. Shafiqul Alam S/o Abdul Hamid
 2. Bibi Bilkish W/o Abdul Hamid
 3. Bibi Joshnara W/o Shafiqul All resident of village- Bangaruwa Kandharia Tola, P.O- Mahadevpur, P.S- Pranpur, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Quiyema Khatun W/o Shafiqul Alam D/o Md. Mustafa, resident of village- Bangaruwa, P.O- Mahadevpur, P.S- Pranpur, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar
For the Opposite Party/s : Mr. Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 04-10-2016 Heard learned counsels for the petitioners and the State.

The petitioner no.1 being husband of the daughter of the informant and petitioner nos. 2 and 3 being mother and second wife of petitioner no. 1 are apprehending arrest in a case registered for the offences punishable under Sections 498A,323,315 and 364/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The prosecution case is that the informant Md. Mustafa married his daughter Bibi Quiyema with petitioner no. 1 Shafiqul Alam 12 years prior to the lodging of the case. After the marriage, the daughter of the informant gave birth to two sons, thereafter



torture was inflicted for non-fulfillment of further dowry demand of rupees fifty thousand and motorcycle. It is further alleged that the accused persons assaulted the daughter of the informant and caused termination of pregnancy forcefully. On 23.1.2016 at 7.30 A.M. petitioner no. 1 informed the informant that his daughter went traceless then the informant tried to locate his daughter but she was not found.

It is submitted by the learned counsel for the petitioners that petitioner no. 1 got married with the daughter of the informant in 2004 and out of the wedlock two male children were born, thereafter the daughter of the informant forced petitioner no. 1 to get separated from his parents and started inflicting torture for which two informatory petitions were filed by petitioner no. 1 being Informatory Petition Nos.3980 of 2014 dated 8.12.2014 and 2496 of 2015 dated 3.8.2015 before the learned CJM, Katihar. The daughter of the informant went missing in the night of 22.1.2016, thereafter petitioner no. 1 went to his inlaws house to inform and also gave a written information to Rosna O.P. on 23.1.2016 and lodged Complaint Case No. 192 of 2016 against five persons including the informant and the victim which came to be registered as Pranpur (Rosna OP) P.S. Case No. 31 of 2016 under sections 323,307,364 and 366 IPC. Thereafter, the present case has

been lodged as a retaliatory measure. During investigation, the complicity of the petitioners has not sprang up. It is further submitted that petitioner no. 2 is an old lady and resides separately whereas petitioner no. 3 though is second wife of petitioner no. 1 but during investigation nothing has been collected to suggest her complicity in the alleged offence.

Learned APP after going through the case diary, submitted that the daughter of the informant went traceless but none have seen any one taking her anywhere. The investigation is still pending.

Considering the fact that thrust of accusation is against petitioner no. 1, this court is not inclined to grant anticipatory bail to petitioner no. 1 and this application on his behalf is dismissed in connection with Pranpur P.S. Case No. 23 of 2016 pending in the court of learned C.J.M. Katihar.

So far as petitioner nos. 2 and 3 are concerned, since they are ladies and the accusation is not specific against them nor any incriminating material has been collected during investigation against them as per submissions of learned counsel for the State, let the above named petitioner nos. 2 and 3 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 bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Katihar in connection with the aforementioned case subject to the conditions as laid down under Section 438(2) Cr.P.C..



(Dinesh Kumar Singh, J)

Anil/-

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