

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 46801 of 2016

Arising out of P.S. Case No. - 80 Year - 2016 Thana - JAHANABAD District - JEHANABAD

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1. Abdul Rauf, Son of Late Md. Rafique, Resident of Village Birpur Chauk Bathnaha, P.S. Jogbani, District Araria (Bihar)
 2. Saiara Bano @ Sahin Bano @ Sahina Bano, Daughter of Abdul Rauf and wife of Md. Naushad Alam at present residing at village – Birpur Chauk Bathnaha, P.S. Jogbani, District Araria (Bihar)
 3. Arfa Khatoon @ Aarfa Khatoon, Daughter of Abdul Rauf and wife of Md. Mozahir Hussain, resident of Kosi Colony Road, Ward No. 16, P.O. & P.S. Supaul, District Supaul (Bihar)
 4. Afroj Alam @ Pintu, Son of Abdul Rauf, Resident of Village Birpur Chauk Bathnaha, P.S. Jogbani, District Araria (Bihar)

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Santosh Kumar Mishra, Advocate

For the Opposite Party : Mr. Prem Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-10-2016

Heard learned counsels for the petitioners and the State.

The petitioners being the father, married sisters and brother of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 323, 341, 313, 379, 498(A), 504, 506/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

Prosecution case is that the informant's marriage was solemnized on 21.10.2013 with Md. Firoz Alam @ Firoz Khan as per the Muslim rites and rituals. After the marriage, the torture was inflicted for non-fulfillment of dowry demand of



Rs.5,00,000/-. The informant gave birth to a female child at Army Hospital, Bhopal as the husband of the informant is in services of Army. After birth of the female child the torture increased and thereafter the informant was residing with her parents but subsequently her husband sent petitioner no. 4 Afroz Alam to bring her to matrimonial house, consequently she came and conceived second time when the accused persons got the pregnancy terminated.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against the husband of the informant, though, there is omnibus and general accusation against entire in-laws family. Saiara Bano @ Sahin Bano @ Sahina Bano petitioner no. 2 the sister of the husband of the informant was married on 19.10.2013 with the brother of the informant Md. Naushad Alam but the informant's family inflicted torture to petitioner no. 2 leading to lodging of Jogbani (Bathnaha) Police Station Case No. 20 of 2015 on 03.03.2015 with accusation under Sections 498(A) and 494 of the Indian Penal Code and 3/4 Dowry Prohibition Act, thereafter, as a retaliatory measure the present case has been lodged.

Considering the filing of the case from the petitioners' side at earlier point of time and thrust of accusation

against the husband of the informant, let the above named petitioners be released on anticipatory bail, in the event of their 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 Chief Judicial Magistrate, Jehanabad in connection with Jehanabad Police Station Case No. 80 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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