

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13940 of 2016

Arising Out of PS.Case No. -116 Year- 2015 Thana -PIPRAKOTHI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Taslim Mian @ Md. Taslim son of Late Hanif Mian
 2. Maislun Nesha @ Mehrun Khatun wife of Taslim Mian @ Md. Taslim
 3. Jalaluddin Mian @ Jalaluddin son of Taslim Mian @ Md. Taslim
 4. Eliyas Mian @ Md. Eliyas Alam son of Taslim Mian @ Md. Taslim
 5. Sayoda Khatoon @ Saida Khatoon daughter of Taslim Mian @ Md.

Taslim

All are residents of village- Murdachak, P.S. Piprakothi, District-
East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the State : Mr. Nand Kishore Prasad APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 01-04-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Pipra Kothi P.S. Case No. 116 of 2015 registered under Sections
420, 376, 315, 504, 506 and 120B of the Indian Penal Code (for
short “IPC”) and sections 3 and 4 of the Dowry Prohibition Act.

It is contended that initially a complaint was filed in the
court which was referred to the police under section 156(3) of the
Code of Criminal Procedure pursuant to which the FIR was
instituted. The case of the complainant is that her husband Md.

Salauddin died in a road accident after four years of marriage and, thereafter, the petitioner no.4 Md. Eliyas Mian has established physical relationship with her on the pretext of marriage but, subsequently, he refused to marry her. It is contended that even if the entire allegations made in the complaint are taken to be true, it would not make out a case under section 376 of the IPC.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioners.

Regard being had to the nature of allegation, in the event of arrest or surrender in the court below within four weeks from today, the petitioners, namely, Taslim Mian @ Md. Taslim, Maisluri Nesha @ Mehrun Khatun, Jalaluddin Mian @ Jalaluddin, Eliyas Mian @ Md. Eliyas Alam and Sayoda Khatoon @ Saida Khatoon are directed to be released on bail 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, Motihari, East Champaran in connection with Pipra Kothi P.S.Case No. 116 of 2015 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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