

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34221 of 2016

Arising Out of PS.Case No. -396 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

- =====
1. Md. Majid, son of Md. Hasim,
 2. Md. Munna @ Md. Munna Ansari, son of Sagir Ansari.
- Both R/o Village- Belahiya, P.S.- Bajpatti, District- Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar.
2. Salima Khatoon, wife of Sadre Alam, R/o Village- Belahiya, P.S.- Bajpatti, District- Sitamarhi.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Kumar Virendra Narayan, A.P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 19-09-2016 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 354, 379, 452/34 of the Indian Penal Code.

It is contended that in retaliation of the complaint case filed by the husband Abdul Kadir, who has also been made an accused no.4 in the present complaint case and is still legal husband of the complainant, the present case has been filed implicating all the family members of the aforesaid Abdul Kadir. It is contended that the complainant is legally wedded wife of accused no.4 Abdul Kadir but she eloped with Md. Sadre Alam who has stood as a witness no.3 in the complaint case. Though



three children were already born from the wedlock with Abdul Kadir Ansari, she eloped with valuables of more than Rs. 1 lac and started illegally living with Md. Sadre Alam. This necessitated filing of the complaint case no.169/2010. The matter was referred to the police under Section 156 (3) Cr.P.C. and, thereafter, the statement under Section 164 Cr.P.C. of the present complainant, namely, Salima Khatoon was recorded in which she had admitted that since Abdul Kadir Ansari was not keeping her well, she had willingly eloped with Sadre Alam and had married him. The case is still pending and the father of petitioner no.1 has stood as a witness in that case. It is urged that this is the reason why all the family members have falsely been implicated in this false case as they are pressurizing the petitioners to compromise in the case which is in final stage of hearing as all the witnesses have already been examined.

Having regard to the facts and circumstances of the case, let the petitioners, namely, Md. Majid and Md. Munna @ Md. Munna Ansari be released on bail in the event of their arrest/surrender before the court below within a period of six weeks from today in connection with Complaint Case No. C1-396/2013, on furnishing bail bonds of Rs.10,000 (Ten Thousand Rupees) each with two sureties of the like amount each to the

satisfaction of Chief Judicial Magistrate, Sitamarhi subject to the conditions as laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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