

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48962 of 2016

Arising Out of PS.Case No. -73 Year- 2016 Thana -MAHILA P.S. District- ARRARIA

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1. Md. Rauf S/o Late Islam
2. Md. Afzal S/o Md. Ayub
3. Rubeda Khatoon D/o Md. Rauf
4. Md. Rahil S/o Md. Rauf
5. Shahnaz @ Bibi Shahnaz D/o Md. Rauf
All resident of village - Kakorwa, P.S. & District Araria
..... Petitioners

Versus

1. The State of Bihar
2. Bibi Rafat W/o Md. Naiyar, resident of village - Kakorwa, P.S. & District Araria
..... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh
For the Opposite Party/s : Mr. Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 08-12-2016 Heard Sri Anil Prasad Singh, learned counsel for the petitioners and Smt. Asha Devi, learned Addl. Public Prosecutor.

Five petitioners, who are in-laws of the informant, have prayed for grant of anticipatory bail in Mahila P.S. Case No.73/2016 registered for the offence under Sections 498(A), 323, 379/34 of the Indian Penal Code.

It was submitted by learned counsel for the petitioners that with a view to grab the properties, false case has been instituted as per instance of the husband of the informant. He submits that though F.I.R. was lodged under Section 498(A) of the Indian Penal Code, the informant has not impleaded her husband



as accused. By way of referring the statement made in paragraph-14 of the petition, it has been argued that earlier the informant had filed a complaint case vide Complaint Case No. 138C/2016 for the offence under Sections 498(A), 379 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, but she did not appear for recording her statement on Solemn Affirmation.

Learned Addl. Public Prosecutor has opposed the prayer for anticipatory bail of the petitioners.

However, after going through the material on record, particularly the F.I.R. as well as considering the fact that the husband of the informant has not been made accused, the Court is of the opinion that it is a fit case for grant of anticipatory bail. Accordingly, let the aforesaid five petitioners, namely, (i) Md. Rauf (ii) Md. Afzal (iii) Rubeda Khatoon (iv) Md. Rahil and (v) Shahnaz @ Bibi Shahnaz, in the event of their arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Araria in connection with Mahila P.S. Case No.73/2016, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

NKS/-

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(Rakesh Kumar, J)