

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40213 of 2016**

Arising Out of PS.Case No. -1447 Year- 2015 Thana -MADHUBANI COMPLAINT CASE District-  
MADHUBANI

- =====
1. Farzana Khatoon, Wife of Askandar Rizwan, resident of Village-  
Mohammadpur, P.S.- Rahika, District- Madhubani.
2. Haji Anwarul Haque @ Md. Anwarul Haque son of Late Md. Salim  
resident of Village- Chhatwan, P.S.- Keoti, District- Darbhanga.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Shagufta Ashraf, wife of Azam Mohammad Shamshir D/o Abu Ashraf,  
resident of Mohalla- Noorganj, Ward No. 22, Bhauwara, P.S.- Madhubani  
Town, District- Madhubani.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Md.Imteyaz Ahmad, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      20-09-2016                      Heard learned counsels for the petitioners and the State.

The petitioners being the married sister and father of the complainant are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture. It is specifically alleged that the marriage was performed by giving false assurance that the husband of the complainant was doing course of pathological technician in Punjab but actually he was doing nothing but subsequently for non-fulfillment of further dowry

demand, torture was inflicted.

It is submitted by the learned counsel for the petitioners that petitioner no.1 is the married sister of the husband of the complainant and she used to reside at her matrimonial house whereas petitioner no.2 is 70 years of age and husband of the complainant filed Matrimonial Suit No. 46 of 2015 under Sections 281 of the Mohammedan Law on 13.03.2015 and thereafter the present complaint was filed.

Learned counsel for the complainant submits that still non-bailable warrant of arrest has not been issued against the petitioners.

Considering the nature of accusation particularly thrust of accusation against the husband of the complainant and keeping in view the matrimonial suit filed at earlier point of time at the behest of the husband of the complainant, it is case for consideration of bail.

Let the learned court below consider the prayer for bail of the petitioners if they surrender within a period of six weeks in connection with Complaint Case No. 1447 of 2015 pending in the court of learned SDJM, Madhubani.

It is expected from the learned court below to dispose of the bail application of the petitioners preferably on the same day.

Accordingly, the application is disposed of.

**(Dinesh Kumar Singh, J)**

