

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2271 of 2016

Arising Out of PS.Case No. -457 Year- 2015 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Julfikar Ali @ Julfekar Ali S/o late Md. Arif
 2. shabnam @Sabnam D/o Julfikar Ali@Julfekar Ali
 3. Jaisul Khatoon@Jainul Khatoon W/o Julfikar Ali@Jalfekar Ali
 4. Saheb Alam S/o Julfikar Ali@Julfekar Ali
- All Resident of Village- Sansaraiya, P.s Bettiah Muffasil, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Ambeya khatoon W/o Raja Hussain All Resident of Village- Sansaraiya, P.s Bettiah Muffasil, District West Champaran.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anuj Kr.Srivastava (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 14-01-2016 Heard learned counsel for the petitioners and the State.

The petitioners being the father, sister, mother and brother of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 498A/34 of the Indian Penal Code.

The basic accusation is of torture.



It is submitted by the learned counsel for the petitioners that due to property dispute the accusation has been levelled. No injury was caused to the informant and at present informant is residing in the matrimonial house. Statement to that effect has been made in para-8 of the petition which reads as follows:-

“That the petitioners are separate in mess and residence from the husband of the informant and the informant has filed this false case with a view to put pressure over her in laws to get a large share in the property. The informant is still residing in a separate house of her husband at her matrimonial home with her children.”

Considering the nature of accusation, let the above named petitioners be released on 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, Bettiah, West Champaran in connection with Bettiah Muffasil P.S. Case No. 457 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The bail bonds of the petitioners shall be accepted on filing the affidavit by each petitioner that they shall allow the informant to enjoy her share of property in the matrimonial house. The said affidavit will be transmitted to the concerned

local Police Station. The non-compliance of undertaking given through the affidavit will give liberty to the learned court below to cancel the bail bonds of the petitioners.

(Dinesh Kumar Singh, J)

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