

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42221 of 2016

Arising Out of PS.Case No. -195 Year- 2015 Thana -BIHARIGANJ District- MADHEPURA

- =====
1. Md. Bablu Ansari,
 2. Md. Saukid Ansari,
 3. Dildar Ansari alias Md. Dildar Ansari,
 4. Quddus Ansari

.... Petitioner/s

Versus

1. State of Bihar,
2. Jasruna Khatoon

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Dr. Rabindra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-09-2016

Heard learned counsels for the petitioners and the State.

The petitioner nos. 1 to 3 being brothers and petitioner no. 4 being paternal uncle (Phupha) of the late husband of the informant are apprehending arrest in a case registered for the offences punishable under Sections 323,498A,306,504 and 506/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The prosecution case is that the brother of petitioner nos. 1 to 3 Md. Talib performed love marriage with the informant which was not being liked by his family, as a result they started inflicting torture for non fulfillment of dowry demands and they forced the husband of the informant to go to Punjab for earning

livelihood. Abuzar and Zulfekar took the husband of the informant to Ludhiana where on 19.7.2015 he committed suicide hence it is alleged that the petitioners abetted the suicide. It is further alleged that the accused persons snatched the belongings of the informant and drove her out of the matrimonial house.

It is submitted by the learned counsel for the petitioners that the informant was forcefully married with Md. Talib, as a result he was suffering from depression and committed suicide in Punjab. It is admitted case of the informant that the petitioners were not at Ludhiana where the husband of the informant committed suicide. Statement to the aforesaid effect has been made in paragraph 10 of the petition which reads as follows:

“That as a matter of fact one Md. Talib Ansari aged 13 years was the son of accused Rustam Ansari. The informant is a lady of questionable character. She became pregnant from any one without marriage but she blamed upon Md. Talib Ansari and her family members along with their associates got the marriage of Md. Talib Ansari with the informant solemnized forcibly without his consent due to above antecedent Md. Talib Ansari got serious shock. Thereafter Abuzar and Zulfekar relatives of informant took him to Punjab where Md. Talib Ansari due to above shock committed suicide. The informant did never came to her marriage

place even for a single moment rather she all along remained at her father's place in such circumstances question of demand of dowry and torture does not arise."

It is further submitted that the petitioners are ready to allow the informant to enjoy her share of property in the matrimonial house.

Considering the fact that the victim committed suicide in Punjab and the petitioners were at their native place at the relevant time, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Udakishunganj at Madhepura in connection with Bihariganj P.S. Case No.195 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners will be accepted on filing of individual affidavit by them before the learned court below that they will allow the informant to enjoy her share of property in the matrimonial house. The said affidavit will be transmitted by the learned court below to the concerned I.O. Non compliance of the aforesaid undertaking will give liberty to

prosecution to file application for cancellation of bail by learned court below.



Anil/-

(Dinesh Kumar Singh, J)

U		T	
---	--	---	--