

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22591 of 2016

Arising Out of PS.Case No. -224 Year- 2009 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Zaheeruddin Shah, son of Mustaquim Shah
 2. Md. Mustaquim Shah, son of late Shakur Sah
 3. Maimun @ Kaili, wife of Mustaquim Shah
 4. Md. Nisar, son of Mustaquim Shah
 5. Md. Kamruddin Sah, son of Mustaquim Shah
 6. Nanmuni Khatoon, daughter of Mustaquim Shah

.... Petitioner/s

Versus

1. State of Bihar
2. Serazuddin Shah, son of Lal Mohmad Shah

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 19-05-2016 Heard learned counsels for the petitioners and the State.

Petitioner no.1 being the husband of the daughter of the complainant and petitioners no.2 to 6 being parents, brothers and sister of petitioner no.1 are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A, 504 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

Learned counsel for the petitioners submits that petitioner no.1 admits his marriage with the daughter of the complainant in 2005. The daughter of the complainant has performed second marriage with one Md. Shaukat Shah in 2010 and thereafter she is not appearing in the present case. In fact, petitioners were not aware about the issuance of process in the present case and petitioner no.1 is ready to keep the daughter of the complainant as wife with dignity and honour. A statement to that effect has been made in paragraph 12 of the petition, which reads as follows :-

"That, it is further humbly submitted that the petitioner no.1 is still ready to keep her with full dignity to his wife."

The aforesaid facts constitute ground for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioners, if the petitioners surrender within a period of six weeks in connection with Complaint Case No.224/2009, pending before the learned Judicial Magistrate, 1st Class, Gaya.

With the above observation, this application is,
accordingly, disposed off.

(Dinesh Kumar Singh, J)

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