

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26772 of 2016

Arising Out of PS.Case No. -161 Year- 2015 Thana -COMPLAINT CASE District- SHEOHAR

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1. Rahmtullah Ansari , son of Late Islam Ansari
 2. Nasima Khatoon, wife of Rahmtullah Ansari
 3. Kadir Ansari, son of Rahmtullah Ansari
 4. Sabir Ansari, son of Rahmtullah Ansari
 5. Serajul Ansari, son of Rahmtullah Ansari
 6. Meraz Ansari, son of Rahmtullah Ansari

All resident of village Harpur Sari P.S. Parsauni District Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Manira Khatoon, wife of Md. Kalam Ansari , resident of village Harpur Sari, P.S. Parsauni, District Sitamarhi at present Daughter of Saheb Ansari, resident of village Harkauwa P.S. Piprahi District Sheohar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 15-11-2016 Heard Sri Mahendra Thakur, learned counsel for the petitioners and Sri Chandrasen Prasad Singh, learned Additional Public Prosecutor .

Six petitioners, who are father- in- law , mother -in - law and brothers of husband of the complainant/ opposite party no. 2 have approached this court for grant of anticipatory bail in Complaint Case No. C1 - 161 of 2015, Tr. No. 747 of 2016 which was filed for the offence under Section 498(A), 379 , 307 of the Indian Penal Code. However , after enquiry as stated in paragraph no. 5 the learned Magistrate has taken cognizance of offence under Section 498-A of the Indian Penal Code and directed for

issuance of processes.

Learned counsel for the petitioners by way of referring to paragraph no. 10 of the petition submits that petitioners are always ready to keep the complainant with dignity. However, after hearing while the Court proposed to pass order for issuance of notice to the complainant / O.P. No. 2, the learned counsel for the petitioners insisted for granting interim relief. Normally, this Court is not entertaining prayer for grant of any interim stay in a petition filed under Section 438 of the Code of Criminal Procedure. Accordingly, the Court allowed learned counsel for the petitioners to argue the case on merit.

I have heard learned counsel for the petitioners and perused the materials available on record. On perusal of the impugned order it appears that after cognizance learned court below had issued only summon and as such, there was no reason for filing anticipatory bail petition.

The petition stands dismissed.

(Rakesh Kumar, J)

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