

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25463 of 2016

Arising Out of PS.Case No. -62 Year- 2016 Thana -MAUZAHDIPUR District- BHAGALPUR

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1. Md. Firoj @ Md. Firoz, Son of Late Md. Moti.
2. Bibi Begum, wife of Md. Firoz.
3. Bibi Munni @ Munni w/o Md. Alam.
All are the resident of village/Mohalla – Husainpur, P.S.-Mujahidpur,
Distt.-Bhagalpur.

.... Petitioners

Versus

1. State of Bihar.
2. Sajiya Rahmani D/o Late Md. Nurullah Rahmani, resident of village-
Husainpur, P.S.-Habibpur, Distt.-Bhagalpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 23-06-2016 The petitioners being the elder brother of the husband of the informant and sisters-in-laws of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 498A, 504, 506 and 354/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Basic accusation is of torture of non-fulfillment of dowry demand and making assault.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. In fact the informant did not receive any injury.

Submission of the petitioner has been made in Para-9 of the petition which reads as follows:-

“That it is humbly stated and submitted that so far allegation of assault is concerned is general and omnibus as the OP No. 2 did not get any injury at all nor she has ever treated by anyone but so far creating horrific story the allegation of assault has been leveled.”

It is further submitted that learned Court below has rejected the application as petitioner no.1 only appeared before the learned court below and the informant identified petitioner no. 1 as one of the assailant.

Considering the aforesaid facts, let the above named petitioners be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of `10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Bhagalpur in connection with Mojahidpur P.S. Case No. 62 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioners shall be confirmed by the learned court below on verification of the fact

that informant's side have not received any grievous injury, but if
it is found that the informant's side received grievous injury, then
the petitioners shall surrender and pray for regular bail.

Mishra/-

(Dinesh Kumar Singh, J)

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