

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13286 of 2016

Arising Out of PS.Case No. -148 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Islam Khan @ Md. Islam Khan son of Late Mujib Khan
2. Kausar Raza @ Kaisar Raza, son of Late Tanvir Akhtar
3. Hasan Raza, son of Late Tanvir Akhtar
All resident of Village-Turkbigaha, P.S.-Kachhawa, District-Rohtas
..... Petitioner/s

Versus

1. The State of Bihar
2. Nasima Khatoon, wife of Tanvir Akhtar, daughter of Azim Khan,
resident of Village-Turkbigaha, P.S.-Kachhawa(Nasariganj),
District-Rohtas, at present Takiya Ward No. 2, P.S.-Sasaram Model,
District-Rohtas

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashray Roy

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-03-2016 Petitioners being co-villager and sons of late Tanvir Akhtar with whom the complainant claims to have performed marriage are apprehending their arrest in a complaint case filed with accusation under Sections 147, 323, 504, 120B, 498A of the Indian Penal Code and Section 3 of the Dowry Prohibition Act.

The prosecution case is that the complainant claims to have married with Tanvir Akhtar in the year 2003 and thereafter gave birth to two children but subsequently demand of motorcycle and colour T.V were made and the complainant was driven out of the matrimonial house on 09.02.2013.

It is submitted by learned counsel for the petitioners that petitioners being co-villager and sons of Tanvir

Akhtar deny the factum of marriage between the complainant and Tanvir Akhtar who is now dead. It is further submitted that complainant filed Bokaro(Mahila) P.S. Case No. 2 of 2011 on 02.03.2011 levelling accusation under Sections 376, 379, 120B of the Indian Penal Code against Afroj Ansari and Aas Mohammad Ansari and claimed that Afroj Ansari established physical relationship on promise of marriage. Thereafter the complainant filed Complaint Case No. 557 of 2013 on 22.05.2013 claiming Jubair Ansari as her husband levelling accusations under Section 498A and other provisions of the Indian Penal Code. The complainant has also filed Maintenance Case No. 91 of 2013 on 04.06.2013 against Jubair Ansari.

Considering the inconsistent stand of the complainant, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Rohtas at Sasaram in connection with Complaint Case No. 148 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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