IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19313 of 2017

Arising Out of PS.Case No. -55 Year- 2016 Thana -MAHILA P.S. District- PURNIA

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1. Saddam @ Md. Saddam, Son of Kafil @ Kafilur Rahman
2. Md. Najim @ Nazmul Haque, Son of Kafil @ Md. Kafilur Rahman @ Kafilur Rahman
3. Kafil @ Md. Kafilur Rahman @ Kafilur Rahman, Son of Late Sirajul Islam,
4. Amna Khatoon @ Amna, Wife of Kafil @ Md. Kafilur Rahman @ Kafilur Rahman, All are resident of Village – Chimni Bazar Miya Tola, Police Station – Sadar, District – Purnia.
5. Ruksana @ Ruksana Begum, Wife of Nurul Alam @ Noorul Haque @ Noor Alam
6. Noor Alam @ Nurul Alam @ Noorul Haque, Son of Musa Ali, Both are resident of Mohalla – Khor Bari, Police Station – Kasba, District – Purnea.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Kamal Kishore Singh, Advocate.

For the Opposite Party : Mr. Ataur Rahman, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

4 12-07-2017 Heard both sides.

The petitioners apprehend their arrest in Mahila P.S. Case No. 55 of 2016 registered for the offences punishable under Sections 323, 313, 498A and 34 of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act.

The informant alleged that she was married to Saddam @ Md. Saddam, the petitioner no. 1 on 23.07.2015 and she went to her Sasural but the accused persons subjected her to physical and mental torture due to non-fulfillment of additional demand of

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Rs. 2 lakhs.

Shri Amarnath Singh, learned counsel for the petitioner submits that Saddam @ Md. Saddam, petitioner no. 1 is the husband and petitioner no. 2 to 6 are in-laws of the informant. The allegation of causing miscarriage is not found true. The informant, herself, does not want to live with her husband and she divorced her husband by pronouncing three Talaqs. The petitioner no. 1 gave informatory petition, thereafter, the informant filed this case only to extract money from the petitioner.

On the other hand, Shri N.K. Agrawal, learned senior counsel for the informant submits that the informant does not want to live with the petitioner no. 1 only because petitioner no. 1 subjected her to all sorts of torture.

Considering the facts and nature of allegations made against petitioner nos. 2 to 6 above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on 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 Sub-Divisional Judicial Magistrate, Purnea in Mahila P.S. Case No. 55 of 2016, Subject to the conditions as laid down under Section 438 (2) of the

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Code of Criminal Procedure.

So far as the case of petitioner no. 1 Saddam @ Md. Saddam is concerned he is the husband of the informant and the informant alleged that it was the petitioner no. 1 who subjected her to all sorts of torture and on account of torture the informant does not want to live with her husband, I am not inclined to enlarge the petitioner no. 1 Saddam @ Md. Saddam on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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