

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12173 of 2017

Arising Out of PS.Case No. -53 Year- 2016 Thana -MAHILA P.S. District- NAWADA

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1. Abdul Rahim, son of Md. Amin,
2. Md. Amir @ Md. Amin, son of Md. Ishak,
3. Munni Khatoon, wife of Md. Amin,
4. Abdul Karim, son of Md. Amin, All are resident of Mohalla- Muslim Road, P.S.- Nawada, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 27-04-2017 Counsels on behalf of the parties appeared in Chambers today. The girl along with her father is also present.

The petitioners apprehend his arrest in Mahila P.S. Case No. 53 of 2016 instituted for the offence under Sections-498A, 363, 34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

As per written report, the girl has performed love marriage with Sahwaz Ahmed. Sahwaz Ahmed is present in Chambers today in terms of order of this court dated 20-04-2017. He has denied of having performed marriage with the informant.



Learned counsel for the informant has submitted that Nikah was done and in support of that they have paper which bears signature of the informant and the boy Sahwaz Ahmed and two independent witnesses. Petitioners are father-in-law, mother-in-law and brothers of Sahwaz Ahmed.

As per submission of learned counsel for the informant, Nikah paper does not bear signature of any of these petitioners.

From the written report also, it appears that there is no specific allegation against the petitioners. It is mentioned in the written report itself, that the girl has performed love marriage with Sahwaz Ahmed. There is general and omnibus allegation against these petitioners of demand of dowry and ousting the informant from the house.

Accordingly, prayer for anticipatory bail is allowed it is ordered that the petitioners named above, in the event of their arrest or surrender in the court below within four weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Mahila P.S. Case No. 53 of 2016 to the satisfaction of learned Additional Chief Judicial



Magistrate-III, Nawada subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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