

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23324 of 2017

Arising Out of PS.Case No. -393 Year- 2013 Thana -RUNISAIDPUR District- SITAMARHI

- =====
1. Md. Naushad
 2. Md. Irshad
 3. Md. Rizwan
 4. Md. Irfan

All sons of Md. Sheikh Bakshish All Resident of village - Hardi, P.S. –
Kathaiya, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Firdaus Khatoon, Wife of Md. Shamshad Babu and daughter of Hafizur Rahman permanent resident of village - Hari P.S. - Kathaiya District - Muzaffarpur at present resident of village - Mauna, P.S. - Runnisaidpur, District - Sitamarhi.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 19-08-2017

Heard learned counsels for the petitioners,
informant-opposite party no. 2 and the State.

The petitioners, being the brothers of the husband of the informant, are apprehending their arrest in a case registered for the offences punishable under Sections 147, 323, 344, 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The prosecution case is that the marriage between the informant and co-accused Shamshad Babu was performed



eight years prior to the lodging of the present case, but subsequent to the marriage, torture was inflicted and the informant was assaulted.

Learned counsel for the petitioners submits that the petitioners are brothers of the husband of the informant and the thrust of accusation is against the husband of the informant. The husband of the informant is still ready to keep the informant with dignity and honour.

Learned counsel for the informant submits that the husband of the informant has performed second marriage. There was an agreement arrived at between the parties, wherein the husband agreed to make payment of the expenses for bringing up of the minor child, who is staying with his maternal grandfather. The joint family property with regard to the share of the husband of the informant will not be sold. Since the petitioners were also signatory to the agreement, hence, they are duty bound to comply the terms of agreement.

Considering the thrust of accusation against the husband of the informant, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten



thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Runnisaidpur P.S. Case No. 393 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

