

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57921 of 2017

Arising Out of PS.Case No. -141 Year- 2016 Thana -PARIHAR District- SITAMARHI

- =====
1. Md. Khalique S/o Md. Harun.
 2. Md. Chhotey S/o Md. Shafik.
 3. Shahnaz Khatoon W/o Md. Khalique.
 4. Md. Jannati Khatoon, W/o Md. Malik. All Resident of Village- Jagadar,
P.S.- Parihar, District- Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjay Kumar, Advocate.

For the Opposite Party : Mr. Ramchandra Sahani, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-12-2017 Learned counsel for the petitioners seeks permission to

withdraw the prayer for anticipatory bail on behalf of petitioner

no. 1 Md. Khalique and petitioner no. 2 Md. Chhotey.

Permission is accorded.

The anticipatory bail application on behalf of
petitioner no. 1 Md. Khalique and petitioner no. 2 Md. Chhotey is
dismissed as withdrawn in connection with Parihar P.S. Case No.
141 of 2016, pending in the court of learned Sub Judge-V-cum-
A.C.J.M. Sitamarhi.

Heard learned counsel for the petitioners and learned
A.P.P. for the State



The petitioners are apprehending their arrest in a case for the offence registered under Sections 323, 379, 498(A), 504, 494 of the IPC and ¾ of the D. P. Act.

The prosecution story, in brief, is that the accused persons including the petitioners tortured the victim due to non-fulfillment of demand of dowry.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioner no. 3 is the Gotani of the victim and petitioner no. 4 is the mother-in-law of the victim. They are separate in mess and property from the husband of the victim. The petitioners have further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let



the petitioner nos. 3 and 4, namely, Shahnaz Khatoon and Md. Jannati Khatoon, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Judge-V-cum-A.C.J.M. Sitamarhi, in connection with Parihar P.S. Case No. 141 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

