

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3889 of 2017

Arising Out of PS.Case No. -37 Year- 2016 Thana -MAHILA P.S. District- KISANGANJ

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1. Khatebul Son of Lateful@ Lateful Rahman.
 2. Kursena Wife of Khatebul. Both resident of Village- Ziapokhar, P.S.- Ziapokhar, District- Kishanganj.

.... Petitioner/s

Versus

1. State of Bihar
2. Sabila Khatoon @ Sabila Begun Wife of Khatebul and daughter of Emajuddin Resident of Village and P.S.- Ziapokher , District- Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarangdhar Jha

For the Opposite Party/s : Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 25-04-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Kishanganj Mahila P.S. Case No. 37 of 2016 for the offences punishable under sections 498 A, 494, 323, 504 and 506/34 of the I.P.C and section 3/4 of the Dowry Prohibition Act.

The informant Sabila Khatoon @ Sabila Begum was married to petitioner no.1 four years ago and out of the wedlock there are two daughters, one aged 2 1/2 years and other eight months old. The petitioners and other co-accused used to demand



motorcycle and due to non fulfillment the petitioners and other co-accused started torturing and assaulting her and ultimately tried to kill her but she was saved.

Submission is of false implication and that petitioner no.2 is the second wife of petitioner no.1 and the petitioner no.1 is the husband of the informant, the petitioner no.1 always wants to keep the informant as his first wife with honour and dignity but she is not ready to live with petitioner no.1. In spite of notice she has not appeared here also and as such the petitioners deserve sympathetic consideration, the petitioners have never demanded anything nor ever tortured the informant, all the allegations are false and concocted.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners by submitting that the petitioner no.1 is the husband and against him there is allegation, whereas, the petitioner no.2 is the second wife of petitioner no.1.

In the facts and circumstances as stated above, considering the allegation attributed against petitioner no.1, namely, Khatebul, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected.

But so far petitioner no.2, namely, Kursena is concerned, she, in case of her arrest or surrender within four



weeks from the date of receipt/production of a 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 to the satisfaction of. S.D.J.M. Kishanganj in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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