

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41475 of 2017

Arising Out of PS.Case No. -162 Year- 2016 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Md. Taiyab S/o Hanif Nadaf, Resident of Village- Dumrail, P.S.-
Puraini, District- Madhepura.

2. Samina Khatoon @ Bibi Samina Khatoon, W/o Md. Taiyab, Resident of
Village- Dumrail, P.S.- Puraini, District- Madhepura.

.... Petitioners

Versus

1. The State of Bihar.

2. Bibi Rifat Khatoon, wife of Md. Jubair, D/o Md. Rahman, Resident of
Village (Sasural) - Dumrail, P.S.- Puraini, District- Madhepura, at present
(Maika) Village- Rahta, P.S.- Uda- Kishunganj, District- Madhepura.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-09-2017 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in a case
instituted under Sections 323, 498(A), 504, 34 of the Indian Penal
Code and 4 of D.P. Act.

The allegation against the petitioners is of committing
torture upon the victim due to non-fulfillment of the demand of
dowry.

It has been submitted on behalf of the petitioners that
the petitioners have got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the



petitioners. The petitioners have falsely been implicated in the present case. The case is triable by the Magistrate. The petitioner no.1 is father-in-law of the complainant and petitioner no.2 is mother-in-law of the complainant. 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 Vs. The State of Bihar, reported in 2006(3) PLJR 182.***

On behalf of the State, it has been submitted that the petitioners are named in the Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioners above named be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Complaint Case No. 162/2016 on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Uda Kishanganj, Madhepura, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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