

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31965 of 2016

Arising Out of PS.Case No. -46 Year- 2016 Thana -MAHILA P.S. District- SAHARSA

- =====
1. Md. Mojahid @ Md. Mujahid @ Md. Jojahil S/o Md. Wadi,
 2. Md. Farukh, S/o Md. Wadil,
 3. Md. Tunna @ Md. Munna, S/o Md. Wadil, all resident of Mohalla-Gangjala, Ward No. 15, P.S.+ District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Shanti Devi, w/o Md. Nojahil, resident of Mohalla- Gangjala, Ward No. 15, P.S.+ District- Saharsa
3. Laxman Paswan, son of not known, resident of village-Sripur Sukhasan, P.S.-Bishanpur, District-Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 14-02-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Saharsa Mahila P.S. Case No.46 of 2016 instituted for the offence under Section(s) 498-A, 494, 323, 379/34 Indian Penal Code and 3(i) (x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

It has been submitted that petitioner Nos. 2 and 3 are elder brothers of the husband of the informant and petitioner No.1 is the husband of the informant. There is specific allegation in the written report that she performed love marriage with



petitioner No.1 about eight years back. After marriage, a son was also born out of the wedlock. The husband (petitioner No.1) committed physical torture with her and without informing her performed second marriage about three years back. Finally, she was ousted from the house by the husband and other family members.

In the circumstances, since there is specific allegation against the petitioner No.1, Md. Mojahid @ Md. Mujahid @ Md. Jojahil, this Court is not inclined to extend the privilege of anticipatory bail to him.

Prayer of the petitioner No.1 for anticipatory bail is rejected.

The petitioner No.1 may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

So far as petitioner Nos. 2 and 3, namely, Md. Farukh and Md. Tunna @ Md. Munna, are concerned, there is general and omnibus allegation against them.

In view of such, prayer of the petitioner Nos.2 and 3 for anticipatory bail is allowed. In the event of surrender/arrest of the petitioner Nos.2 and 3, named above, within six weeks from



today in connection with Saharsa Mahila P.S. Case No.46 of 2016, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Lalan Jee, Judicial Magistrate, 1st class, Saharsa, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Sanjay Priya, J)

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