

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27276 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -BELA District- SITAMARHI

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1. Ahmad Ali @ Md. Ahmad Ali, Son of Rajulla Shekh
2. Badrun Khatoon @ Badrun Nisha @ Badrul Nisha, Wife of Rajulla Shekh
3. Md. Ali, Son of Rajulla Shekh
4. Ajmati Khatoon, Daughter of Rajulla Shekh
All residents of Village Baya, P.S. Bela, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Khush Nashiba Khatoon, Wife of Ahmad Ali, resident of Village Baya, P.S. Parihar, District- Sitamarhi, At present Daughter of Late Shekh Ekbal, Village Kohba, P.S. Sonebarsha, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad

For the Opposite Party/s : Mr. Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 01-07-2017 Heard the parties.

This application, for grant of anticipatory bail, arises out of Bela P.S. Case No. 10 of 2017, disclosing offences under Sections 498 A, 323 and 379/34 of the Indian Penal Code and ¾ of the Dowry Prohibition Act.

Petitioner No. 1 is the husband of the informant and



petitioner Nos. 2, 3 and 4 are mother-in-law, brother of husband of the informant and unmarried sister of the husband of the informant.

Learned counsel for the petitioners has submitted that petitioner No. 1 is ready to keep the informant with all love and dignity. He has also submitted that because of incapability between petitioner No. 1 and the informant, the First Information Report has been registered.

Considering that petitioner No. 1 is the husband, I am not inclined to grant him the privilege of anticipatory bail. Prayer for anticipatory bail of petitioner No. 1 is, accordingly, rejected.

Petitioner No. 1 is directed to appear before the learned court below and apply for regular bail. The Court expects that if he does so within a period of three weeks from today, his application for regular bail shall be considered by the learned court below on its own merit, without being prejudiced by rejection of present application for grant of anticipatory bail, preferably on the same day. This observation is being made in view of the stand taken on behalf of petitioner No. 1 that he is ready to keep the informant with all love and dignity.

So far as rest of the petitioners are concerned, this



application is allowed. Let the petitioner Nos. 2, 3 and 4, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Sitamarhi**, in connection with **Bela P.S. Case No. 10 of 2017**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner Nos. 2, 3 and 4 shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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