

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50267 of 2017

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1. Md. Shakoor Alam, S/o Late Israil Mian,
2. Safidan Khatoon, W/o Md. Shakoor Alam,
Both are resident of Village- Bairiya, P.S. Kesariya, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Khusboo Nesha, D/o Majhar Alam, resident of Village- Madhiya, P.S.
Kesariya, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-10-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend arrest in connection with
Kesariya Police Station Case No. 226 of 2017 registered for the
offence punishable under sections 323, 307, 313, 315, 316, 328 of
the Indian Penal Code and section 3/4 of the Dowry Prohibition
Act.

The informant has submitted a written report with
S.H.O., Kesariya Police Station alleging therein that she was
married on 23.07.2016 with son of these petitioners. At the time of
marriage, her father gave handsome amount to the petitioner side.
After marriage, her husband and in-laws started torturing her and



also threatened to perform another marriage if the demand was not fulfilled. In course of her pregnancy, they administered medicine which caused miscarriage on 18.03.2017. They also attempted to kill her by sprinkling kerosene oil but on alarm, people assembled who saved her life. Thereafter, she was taken to her maternal place. After arrival of her father from Saudi Arab, she disclosed about the occurrence and thereafter the present case has been lodged.

The learned counsel for the petitioners submits that at the time of marriage, the informant was pregnant. After marriage the informant came at matrimonial house, where she felt pain. She was moved to doctor for treatment. As per advice, an ultrasound report was obtained and it was found that she was carrying pregnancy. The informant was taken by her mother at her place. The allegation of demand of money or torture appears omnibus and has been made only to make an offence graver. The petitioners are in-laws having omnibus allegation and the husband of the informant is in custody and so the petitioners deserve anticipatory bail.

The learned Additional Public Prosecutor on the other hand, opposed the submission.

Considering the omnibus allegation against these



petitioners who are in-laws of informant and the fact that the husband of informant is in custody, the prayer for anticipatory bail of these petitioners is allowed.

Let the above named petitioners, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari at East Champaran in connection with Kesariya Police Station Case No. 226 of 2017, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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