

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41630 of 2018

Arising Out of PS.Case No. -3179 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA
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1. Md. Zahir, son of Raful @ Taful,
2. Md. Akbar, son of Md. Zahir,
3. Md. Imroz, son of Md. Zahir, resident of village- Chakorwa, P.S.-
Narpatganj (Bathnaha O.P.)
4. Md. Azim, son of Farid,
5. Md. Jasim, son of Farid, resident of village- Rampur, P.S.- Forbesganj,
all are of Dist.- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mehrun Nisha, w/o Md. Fateh Mohammad, R/o Kodaili, P.S. Forbesganj,
Dist.- Araria.

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahani, APP
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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 18-07-2018

Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend their arrest in **Complaint
Case No.3179-C of 2015** instituted for the offence under
Section(s) 365, 367, 364, 363, 368, 120-B Indian Penal Code.

It is submitted that prior to lodging of this case
daughter of petitioner No.1 had filed Complaint Case No.3188-C
of 2013 against the Complainant, her son (victim) and other
family members for the offence under Section(s) 498-A Indian
Penal Code. Son of the Complainant (victim in this case) had
filed anticipatory bail application in that complaint case and he



was allowed anticipatory bail by this Court on the basis of compromise that he will take care of his wife. His provisional bail was confirmed by order dated 29.07.2015. Son of the Complainant (victim) brought back his wife. After few days, he again started torturing the wife and ousted her from his house.

Counsel for the petitioner further submits that a Maintenance Case has also been filed by the daughter of petitioner No.1, which is pending. In that case, order has been passed to give maintenance to the daughter of the petitioner No.1.

Instant complaint has been filed by the Complainant only to save his son from the prosecution of Complaint Case No.3188-C of 2013. Petitioners are family members of wife of the victim.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Complaint Case No.3179-C of 2015**, they shall be released on anticipatory 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 **Judicial Magistrate, 1st class, Araria**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1)



bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bonds and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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