

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11904 of 2018

Arising Out of PS.Case No. -2817 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

- =====
1. Jahur Alam, Son of Late Shaan Mohammad.
 2. Fatma Khatoon, D/o- Shaan Mohammad, Wife of Lukman Ansari.
 3. Gul Mohammad @ Gul Mahammad Anshari, Son of Hadish Mian.
 4. Abdullah Mian @ Abdul Mian, Son of Shamsher Mian. All Resident of Village- Pararia Malikan (Dumariya Ghat), P.S.- Mohammadpur, District- Gopalganj.

.... Petitioners

Versus

1. The State of Bihar.
2. Nasima Khatoon, wife of Jahur Alam, D/o- Sakur Mian, Resident of Sher Bakhraur, Balua Tola, P.S.- Sidhwalia, District- Gopalganj.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Krishna Kant Singh, Advocate.

For the State : Mr. Rajeev Nayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-03-2018 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner no. 1 Jahur Alam and petitioner no. 3 Gul Mohammad @ Gul Mohammad Anshari in connection with Complaint Case No. 2817 of 2015, Trial No. 2374 of 2017, pending in the court of learned J.M. Ist Class, Gopalganj.

Permission is accorded.

The anticipatory bail application on behalf of petitioner no. 1 Jahur Alam and petitioner no. 3 Gul Mohammad @ Gul Mohammad Anshari is dismissed as withdrawn.



Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 498(A) and 406 of the IPC.

The prosecution story, in brief, is that the accused persons including the petitioners tortured the victim due to non-fulfilment of demand of dowry.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. The petitioner no. 2 is the *Nanad* of the victim and petitioner no. 4 is the co-villager of the victim. They are separate in mess and property from the husband of the victim. The case is triable by the Magistrate. The petitioners have further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R/



complaint case.

Considering the aforesaid facts and circumstances, let the petitioner nos. 2 and 4, namely, Fatma Khatoon and Abdullah Mian @ Abdul Mian respectively, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Gopalganj, in connection with Complaint Case No. 2817 of 2015, Trial No. 2374 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

