

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34882 of 2018

Arising Out of PS. Case No.-1393 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Chamkila Khatoon @ Rehana Begam, Wife of Haji Anwar Ali, R/o Village-
Bhapura Via- Bharwara, Panchayat- Bhawanipur, P.S.- Singwara, District-
Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rajiya Khatoon, Wife of Irfanul Haque, D/o Late Rafi Ahmad, R/o Mohalla-
Nabab Road, Chandwara, P.S.- Nagar, District- Muzaffarpur, at present
Muhalla- Magardahighat, Ward No.18, P.S.- Nagar, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Sri Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 11-07-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends her arrest in Complaint Case No.
1393 of 2017 instituted for the offence under Sections 406/34 of
the Indian Penal Code and Section 3/4 of the D.P. Act.

Learned counsel for the petitioner submits that there is no
any specific allegation of overt act against this petitioner. She
has been made accused because she is wife of Haji Anwar Ali
who was uncle of the boy. In the complaint petition it is alleged
that negotiation for marriage of the sister of the complainant and
co-accused Meraj was made by the guardian of both sides
namely Irfanul Haque and Haji Anwar Ali.



In such circumstances, there is no any allegation of specific overt act against this petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Complaint Case No. 1393 of 2017, she shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the SDJM, Samastipur 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) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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