

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31234 of 2018

Arising Out of PS. Case No.-116 Year-2017 Thana- RAUTRA District- Katihar

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1. Md. Mahfooj @ Mahfooz Ali, S/o Late Md. Usman,
 2. Bibi Mamuma Khatoon @ Bibi Mamina Khatoon W/o Md. Mahfooj,
 3. Md. Hakim @ Abdul Hakim S/o Md. Azad,
 4. Md. Latif @ Abdul Latif S/o Md. Altaf, All are R/o Vill.-
Hathiya Diayara Ghatpara, P.S.- Rautara, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghvendra Kumar Singh
For the State	:	Mr. Sri Jitendra Kumar Singh
For the Informant	:	Mr. Bimal Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 16-08-2018 Heard learned counsel for the petitioners ,learned APP for
the State and learned counsel for the informant.

Petitioners apprehend their arrest in Rautara P.S. case no.
116 of 2017 instituted for the offence under Section(s) 364,
201/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the
same informant has also filed a case under Section 498A of the
IPC against these petitioners vide Rautara P.S. case no. 49 of
2017.

In the instant case allegation made by the informant is
that his daughter Rozina Khatoon was married with Sikandar
Ali. She was tortured in her *sasural* by these petitioners for



demand of dowry and on account of non fulfillment of demand of dowry all accused persons have subjected her to torture and cruelty and she did not return to her parental house.

Learned counsel for the petitioners has submitted that victim girl has appeared and given her statement under Section 164 Cr.P.C. which is available on record. It is further submitted that victim is now living with her father (informant) as it would appear from her statement made under Section 164 Cr. P.C. Therefore, no offence under section 364 I.P.C. is made out at this stage. It is further pointed out that these petitioners are father-in-law, mother-in-law and village relatives (gotiyas) of the daughter of the informant.

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 Rautara P.S. case no. 116 of 2017, 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 CJM Katihar, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners 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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