

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39766 of 2018

Arising Out of PS. Case No.-886 Year-2016 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. Md. Munna, S/o Md. Mohsin,
 2. Tamanna Pravin @ Bibi Tamanna Pravin W/o Md. Naquib @ Bechna,
 3. Md. Mohsin S/o Late Azimuddin, All of Village Bangara , P.S.- Amour, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Md. Mansoor S/o Late Abdul Sakoor , R/o Vill.- Mehdipur, P.S.- Amnour, District- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha
For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 341,342 and 365/34 of the IPC.

The prosecution case as per the complainant is that the complainant's son, Md. Naquib alias Bechna was accused in a case registered for the offence punishable under Section 376 of the IPC at the behest of the petitioners' side and subsequently, he got married with petitioner no. 2, Tamanna Pravin alias Bibi Tamanna Pravin and started residing at his in-laws house. On 13.5.2016, the complainant came to know that his son went missing. On 15.5.2016, the complainant went to the in-laws house of his son to enquire about him where, he was being



abused and insulted and driven out.

It is submitted by learned counsel for the petitioners that in fact, the son of the complainant was married with petitioner no. 2 against the wishes of the complainant and when he went along with his wife, Petitioner No.2, to his parents house after the marriage to reside he was not allowed to reside and hence he is residing at his in-laws place. Statement has been made in paragraph 11 of the petition that the complainant's son is still residing with petitioner no. 2, which reads as follows:

“11. That the complainant's son Naquib @ Bechna is enjoying conjugal life and still living at his matrimonial place and is even ready to appear before the Court, if required to say the actual and true fact.”

It is further stated that petitioner no. 1 is brother-in-law of the complainant's son whereas petitioner no. 3 is father-in-law of complainant's son.

Learned APP submits that prima facie case under Section 365 of the IPC has been found true by the learned Magistrate.

Considering the stand taken in paragraph 11, as quoted above, let the petitioners above named be released on provisional anticipatory bail in the event of arrest or surrender within six weeks 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 SDJM, Purnea in connection with Complaint Case No.886 of 2016 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The provisional anticipatory bail of the petitioners will be confirmed only on the appearance of complainant's son before the learned court below.

(Dinesh Kumar Singh, J)

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