

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6357 of 2018

Arising Out of PS.Case No. -41 Year- 2017 Thana -HAYAGHAT District- DARBHANGA

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1. Julekha Khatoon, Wife of Mazhrul Haque.
 2. Md. Jiyaul, Son of Md. Mazhrul Haque.
 3. Md. Mustak Ali @Md. Muskim, Son of Md. Mazhrul Haque.
 4. Rukhsana Khatoon @ Ruksana Begam, D/o Md. Mazhrul Haque. All resident of Village- Harpur, P.S.- Singhia, District- Samastipur.

.... Petitioners

Versus

1. The State of Bihar.
2. Shakila Khatoon, D/o Md. Nazim, resident of Village- Rashulpur, P.S.- Hayaghat, District- Darbhanga.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Shambhu Nath Jha, Advocate.
For the State : Mr. Anil Kumar, A.P.P.
For the O.P. No. 2 : Mr. Md. Iqbal Asif Niazi, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 23-04-2018 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the opposite party no.
2.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 342, 337, 379, 313, 498(A), 504 and 506 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 falsely been implicated in the present case due to petty family dispute. There is no allegation of



tampering with the witnesses alleged against the petitioners. From perusal of the medical examination report, it appears that there is no clinical finding that the victim was carrying pregnancy and she suffered due to external injury due to which she had gone for miscarriaging for constituting an offence under Section 313 of the I.P.C. Rests of the offences are 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 counsels for the State and opposite party no. 2, it has been submitted that the petitioners are named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named, 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 A.C.J.M. Darbhanga , in connection with Haya Ghat P.S. Case No. 41 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)