

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12461 of 2018**

Arising Out of PS. Case No.-1251 Year-2015 Thana- MADHUBANI COMPLAINT CASE  
District- Madhubani

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1. Md. Phul Hassan @ Md. Fulo Nadaf, Son of Late Nengar Nadaf,
  2. Shamina Khatoon, Wife of Md. Phul Hassan @ Md. Fulo Nadaf.
  3. Shahida Khatoon, Daughter of Md. Phul Hassan @ Md. Fulo Nadaf, All Resident of Village-Mauwahi, P.S.-Rajnagar, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kaushar Khatoon, Wife of Md. Taiyab, All Resident of Village-Mauwahi, P.S.-Rajnagar, District-Madhubani. at Present residing as daughter of Ajmat Nadaf, resident of Village+ P.O. +P.S.-Babubarhi, District-Madhubani.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Subhash Kumar Jha  
For the Opposite Party/s : SMT. ANITA KUMARI SINGH

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      05-03-2018                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 498A, 494, 323 and 379 of the Indian Penal Code.

Allegation against the petitioners is of committing torture upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the



petitioners. The petitioners are in-laws. They have falsely been implicated in the present case due to petty family dispute. The petitioners are separate in mess and property from the husband of the victim. The case is triable by the Magistrate. The petitioners have 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 State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/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 learned A.C.J.M. 2<sup>nd</sup>, Madhubni in connection with C.R. Case No. 1251 of 2015 (C.R.), corresponding to T.R. No. 851 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Pankaj/-

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