

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 3185 of 2018

Arising Out of PS.Case No. -150 Year- 2018 Thana -AIRPORT District- PATNA

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1. Pannu Qureshi, Son of Late Khalik Qureshi,
 2. Zarina Khatoon, Wife of Pannu Qureshi,
 3. Lado @ Nasibul, Daughter of Pannu Qureshi,
 4. Khusboo Khatoon @ Khushboo Khatoon @ Khusbhu, Wife of Mehraz Qureshi,
 5. Imtiyaz Qureshi @ Imteyaz @ Md. Imtiyaz,
 6. Mumtaz Qureshi @ Mumtaz Nashiboon @ Mumtaz,
 7. Sehnaz Qureshi @ Sehraz Qureshi, All three 5 to 7 sons of Pannu Qureshi, All resident of Mohalla - Khajpura, Chicktoli, behind Cold Storage, Police Station - Hawai Adda, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar Mouar, Advocate

For the Respondent/s : Mr. Binay Krishna, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-10-2018

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for anticipatory bail vide order dated 27.07.2018 in ABP No. 5423 of 2018 passed by the learned Special Judge S.C./S.T. (POA) Act, Patna in connection with Special Case No. 364 of 2018 arising out of Hawai Adda P.S. Case No. 150 of 2018 registered under Sections 341, 323, 504, 313, 498A/34 of the Indian Penal Code as well as Sections 3(2)(v) of the SC/ST Act.



Appellant No. 6 Mumtaz Qureshi @ Mumtaz Nashiboon @ Mumtaz has already been arrested in this case. Hence, his prayer for anticipatory bail has become infructuous.

The informant was in physical relation with Mehraj Qureshi as both were intending to marry with each other. Subsequently, they married. However, the family members, who are appellants herein, did not recognize their marriage and allegedly abused by taking caste name.

Submission of the learned counsel for the appellants is that appellants have no objection nor they have any reservation in their happy matrimonial life.

Considering the aforesaid submission which the appellants should give in affidavit at the time of filing of bail bond, let the **other appellants**, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing



which the court below shall be at liberty to cancel the bail bond of the appellants as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	09.10.2018
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