

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9431 of 2018

Arising Out of PS. Case No.-241 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Mustajab Ali Khan @ Md. Mustjab Ali Khan Son of late Sarfaraz Hussain Khan Resident of Mohalla- Professor Colony, Baitun Noor, Road No. 18, Near J.K.S. College, Mango, Post Office Mango (Azad Nagar), Police Station Mango (Azad Nagar), Town Jamshedpur, District- East Singhbhum, Jharkhand.
 2. Salma Khatoon@ Salma Khan Wife of Mustjab Ali Khan @ Md. Mustejab Ali Khan Resident of Mohalla- Professor Colony, Baitun Noor, Road No. 18, Near J.K.S. Collge, Mango , Post Office Mango (Azad Nagar), Police Station Mango (Azad Nagar), Town Jamshedpur, District- East Singhbhum , Jharkhand.
 3. Intakhab Ali Khan @ Md. Intakhab Ali khan Son of Mustajab Ali Khan @ Md. Mustejab Ali Khan Resident of Mohalla- Professor Colony, Baitun Noor, Road No. 18, Near J.K.S. Collge, Mango , Post Office Mango (Azad Nagar), Police Station Mango (Azad Nagar), Town Jamshedpur, District- East Singhbhum , Jharkhand.
 4. Zeba Khatoon @ Rukh-E-Zeba Khan Daughter of Ali Khan @ Md. Mustejab Ali Khan , Wife of Mesbaduddin Khan, Resident of Flat No. A/307, Shalimar Apartment, Near Chepa Pul Beside Vatika Green , P.S. Mango (Azad Nagar), Town Jamshedpur, District- Singhbhum , Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Soraiya Nasim Daughter of Fakhruddin Haider Khan Resident of Mohalla White House Compund, Road No. 5, Police Station- Rampur, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar

For the Opposite Party/s : Mr. BHARAT LAL

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-02-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Section 498A of the Indian Penal Code and 4 of Dowry Prohibition Act.

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 have falsely been implicated in the present case. 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.

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 S.D.J.M., Gaya in connection with Complaint case No.241 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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