

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.7772 of 2019

Arising Out of PS. Case No.-77 Year-2018 Thana- MANSAHI District- Katihar

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1. MD. ABU TALIB @ ABU TALIB, aged about 38 years, Male, Son of Md. Yasin R/o village- Kursel, P.S- Mansahi, Katihar
 2. Bibi Tasmira @ Bibi Tasmira Khatoon, aged about 27 years, Female, Wife of Abu Talib @ Md. Abu Talib, R/o village- Kursel, P.S- Mansahi, Katihar
- ... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners : Mr. Bimal Kumar, Adv.

For the Opposite Party : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 01-07-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Mansahi P.S. Case No. 77 of 2018 for the offences alleged under Sections 498A and 365 of the Indian Penal Code.

The accusation is that the marriage of the daughter of the complainant/informant, Md. Yusuf, was performed with the petitioner no. 1 fifteen years before and from their wed lock four children were blessed, instead of that she has been tortured by her husband and in-laws due to non-fulfillment of demand and informant raised suspicion about the killing of his daughter and removing her dead body.

The learned counsel appearing for the petitioners submits that admittedly the marriage of petitioner no. 1 was performed with the daughter of the informant before fifteen years and petitioner no. 2 is the co-wife of petitioner no. 1. In



the meantime, the daughter of the informant suffered from mental illness, treatment was provided, but, there was no improvement and she left the house without giving information. This fact has also been disclosed by the witnesses in paragraphs 8, 9 and 18 of the case diary.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Mansahi P.S. Case No. 77 of 2018 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, VI, Katihar, subject to the conditions as laid down under Section 438(2) Criminal Procedure.

(Rajendra Kumar Mishra, J)

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