

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15172 of 2019

Arising Out of Complaint Case No.-318 Year-2018 District- Katihar

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1. Jaidul Haque, Son of Md. Sanaullah Resident of Village - Uchla Muslim Tola, P.S.- Barari, Distt - Katihar
 2. Mofizul Haque Son of Md. Sanaullah Resident of Village - Uchla Muslim Tola, P.S.- Barari, Distt - Katihar
 3. Sazzad Alam Son of Dukhu Alam Resident of Village - Uchla Muslim Tola, P.S.- Barari, Distt - Katihar
 4. Maskur Alam Son of Wazir Alam R/O - Shiz Tola, Hasimpur, P.S.- Barari, Distt - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dulari Pravin Daughter of Md. Akhtar Resident of Village - Uchla Muslim Tola, P.S.- Barari, Distt - Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-03-2019 Heard the learned counsel for the petitioners and

the State.

The petitioners seek bail in anticipation of their

arrest in connection with Complaint Case No. 318 of 2018 in



which cognizance has been taken under Sections 366/34 of the Indian Penal Code.

A peculiar complaint has been lodged by Opposite Party No. 2 alleging that she is a married woman and when on one occasion she had visited her parental home on the occasion of Eid, she was made something to eat by Md. Sahabuddin. After eating the goodies offered by Md. Sahabuddin, she started feeling giddy in her head and when she regained her consciousness, she found herself in a lawyer's chamber where some strangers also were present. The further allegation in the complaint petition is that an attempt was made by Md. Sahabuddin to prepare papers regarding marriage of the complainant / Opposite Party No. 2 with aforesaid Sahabuddin.

So far as petitioners are concerned, they are said to have assisted and abetted the aforesaid act.

Learned counsel for the petitioners has submitted that even if the averments made in the complaint petition is accepted to be true, no offence in anyone of the sections in which cognizance has been taken, can at all be said to have



been made out against them.

It has further been pointed out to this Court that the complainant has divorced her earlier husband and co-accused Sahabuddin has filed a petition for restitution of conjugal rights with Opposite Party No. 2.

There appears to be some confusion with respect to the marital status of the complainant / Opposite Party No. 2.

In any view of the matter, the petitioners appear to be strangers to the entire episode.

Learned counsel for the complainant, however, submits that the aforesaid statement with regard to the divorce of the complainant / Opposite Party No. 2 with her earlier husband and she having voluntarily married Sahabuddin is incorrect.

At this stage, considering the nature of accusation against the petitioners in the complaint petition, I am inclined to grant anticipatory bail to them.

Accordingly, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or



surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum 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., Vth, Katihar in connection with Complaint Case No. 318 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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