

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.29028 of 2019

Arising Out of PS. Case No.-23 Year-2017 Thana- COMPLAINT CASE District- Kishanganj

1. Niyazu @ Nayaju aged about 31 years Male S/O Salimuddin
2. Algun aged about 42 years Female D/O- Salimuddin,
3. Bauni aged about 47 years Female D/O- Salimuddin,
All resident of Village Dakupara, Rahmatpara P.S. Kochadhaman District-
Kishanganj.

... .. Petitioner

Versus

1. The State Of Bihar
2. Shabnaj Praveen, aged 24 years Female W/O Tahir Alam D/O Saifuddin
Resident of Village Burimari, P.S. Kochadhaman District- Kishanganj.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr.Ram Prawesh Kumar, Advocate
For the State : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 02-05-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences
alleged under Section 498(A) of the Indian Penal Code registered in
connection with Complaint Case No. 23 of 2017.

3. It is submitted that the petitioners have been falsely
implicated merely because they happen to be variously related to the
husband of the complainant. Petitioner no. 1 is *Devar* and petitioner
nos. 2 and 3 are aunts-in-law of the complainant. It is submitted that
they have no concern with the day-to-day matters of the complainant.
It is further stated that the complainant and her husband have
amicably settled the dispute and filed a compromise petition before
the learned Sub-Divisional Judicial Magistrate, Kishanganj stating



that harmoniously relationship has been restored between them. The petitioners claim clean antecedents.

4. Learned APP, on the other hand, invites reference to the order of the learned Sessions Judge, Kishanganj by which the provisional anticipatory bail granted to the petitioners was not confirmed in view of non-appearance of the petitioners along with the complainant as had been directed by the said court.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within four weeks from the date of communication of this order, let the above named petitioners be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Kishanganj in connection with Complaint Case No. 23 of 2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relative.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner no. 1 shall remain physically present in court on each and every date during trial; and petitioner nos. 2 and 3 shall be well represented in court on each and every date during trial except as and when directed by the learned court to be physically present, and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

6. The provisional bail granted to the petitioners shall be confirmed if the petitioners appear along with the complainant before the learned court below within the aforesaid stipulated period of four weeks and the complainant confirms the fact of amicable settlement of the dispute with her husband and restoration of harmonious



relationship with him, failing which their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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