

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29661 of 2019

Arising Out of PS. Case No.-599 Year-2018 Thana- TURKAULIYA District- East
Champaran

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1. Asma Khatoon aged about 60 years (Female) Wife of Noor Mohammad @ Haji Noor Mohammad Saifi
 2. Noor Mohammad @ Haji Noor Mohammad Saifi aged about 65 years (Male) Son of Late Abdul Rahman
 3. Mahfooj Alam aged about 35 years (Male) Son of Noor Mohammad @ Haji Noor Mohammad Saifi, all are resident of Village- Janerwa, P.S.- Banjariya, District- East Champaran

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Vijay Shankar Shrivastava, Advocate
For the Opposite Party	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 10-05-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 323, 504/420 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act registered in connection with Turkauliya (Banjaria) P.S. Case No. 599 of 2018.

3. It is submitted that the petitioners have been falsely implicated and apart from the present FIR, another FIR in Chanpatia P.S. Case No. 372 of 2018 has also been filed with substantially same allegation. There is considerable delay in instituting the FIR on 10.09.2018 for the occurrence alleged to have taken place about four years ago. The petitioners have already been granted anticipatory bail relating to the aforesaid Chanpatia P.S. Case No. 372 of 2018. The petitioners otherwise have been clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest



or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya (Banjaria) P.S. Case No. 599 of 2018, 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 relatives.

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

(iii) That petitioner no. 1 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 petitioner nos. 2 and 3 shall remain physically present in court on each and every date during trial 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.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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