

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31983 of 2019

Arising Out of PS. Case No.-452 Year-2018 Thana- TURKAULIYA District- East
Champaran

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1. SHEKH NATHUNI @ SARFUDDIN S/o Late Shekh Nasib R/o village-
Mahammadpur Ward No. 9, P.S.- Banjariya, District- East Champaran
 2. Kamrun Nesha W/o Shekh Nathuni @ Sarfuddin R/o village-
Mahammadpur Ward No. 9, P.S.- Banjariya, District- East Champaran
 3. Aftab Alam S/o Shekh Nathuni @ Sarfuddin R/o village- Mahammadpur
Ward No. 9, P.S.- Banjariya, District- East Champaran
 4. Shahjaha Khatoon W/o Aftab Alam R/o village- Mahammadpur Ward No. 9,
P.S.- Banjariya, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-08-2019 This application, for grant of anticipatory bail, arises

out of Turkauliya (Banjariya) P.S. Case No. 452 of 2018,

disclosing offences under Sections 149, 498(A), 304(B), 328,

120B, 201 of the Indian Penal Code.

Prosecution story in short is that daughter of the
informant was married with co-accused Seraj Alam on
06.03.2012. Thereafter, all the accused persons started torturing
her for demand of Rs. Fifty Thousand and a motorcycle as
dowry and they continued to torture the daughter of informant
even after birth of a son. A panchayati was also held but the



torture to the daughter of informant continued. Lastly, the informant came to know that the accused persons got her disappeared due to non fulfillment of demand of dowry.

Submission of learned counsel for the petitioners is that petitioner no. 1 is father -in-law, petitioner no. 2 is mother-in-law, petitioner no. 3 is brother-in-law (devar) and petitioner no. 4 is sister-in-law (devrani) of the deceased and they have falsely been made accused in this case, which will appear from para -128 of the case diary, where independent witnesses have stated that the deceased had illicit relationship with another person and she was also seen in company with the said person and she has fled away with him after taking all ornaments.

Learned counsel for the State has opposed the prayer for bail that there are allegation against these petitioners of subjecting the daughter of the informant to torture and cruelty and she is still traceless and informant suspects that she has been killed.

Having heard both sides, considering the fact that petitioner nos. 2 and 4 are ladies, as such, in the event of their arrest or surrender before the court below within six weeks, they are directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties



of the like amount each to the satisfaction of learned Cheif Judicial Magistrate, Motihari, East Champaran, in connection with Turkauliya (Banjariya) P.S. Case No. 452 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner nos. 1 and 3 are concerned, I am not inclined to grant the privilege of anticipatory bail to them rather they may surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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