

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76344 of 2018

Arising Out of PS. Case No.-412 Year-2016 Thana- SIWAN COMPLAINT CASE District-Siwan

-
1. Imammuddin Sah @ Mahmah Imam @ Imammuddin Shah, Son of Md. Hadish Shah, Resident of Village-Sulta, Police Station -Andar, District-Siwan.
 2. Mazaharul Haque, Son of Abdul Haque.
 3. Shakina Khatoon @ Shakina Khatoon, Daughter of Md. Hadish Shah, Wife of Mazaharul Haque. Both 2 and 3 are Resident of Village-Gopalpur, Police Station-Hussainganj, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Afsana Khatoon, Daughter of Jabar Sah, Wife of Imammuddin Sah, Resident of Village-Kail Tola Bazar, Police Station-Barharia, District-Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate.

For the Opposite Party/s : Mr.Sri Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 29-04-2019 Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 412 of 2016 registered under Section 498A of the Indian Penal Code.

The accusation is that Nikah of complainant-opposite party no. 2 was performed with Imammuddin Sah (petitioner no.1) on 04.01.1995 but later on, she was being tortured due to non-fulfillment of demand of gold chain and



motorcycle by her husband and in-laws. In the meantime, she blessed with one daughter, Nesha, aged about nine years and one son, Samir Sah, aged about seven years but in spite of that, she was being tortured. On 26.07.2010, in the night, attempt was made to kill the complainant-opposite party no.2 by sprinkling kerosene oil. On raising alarm, neighbour rushed there and saved her life and thereafter, she was removed from matrimonial house snatching her personal belongings. Later on, parents of the complainant-opposite party no. 2 tried to pacified the dispute but her husband-petitioner no.1 was not ready to maintain her and he wanted to perform his another marriage. Thereafter, complainant-opposite party no. 2 filed Complaint Case No. 1859 of 2010 but on intervention of respected people, complainant-opposite party no. 2 was taken by petitioner no.1. After some time, petitioner no. 1 went abroad taking cash of Rs.50,000/- from her parents but she was being again tortured and she was removed from matrimonial home and her husband is not ready to keep her.

Learned counsel for the petitioners submits that petitioner no. 1 is the husband whereas petitioner nos. 2 and 3 are Nandosi and Nand of the complainant-opposite party no. 2 and due to misunderstanding, the present case has been lodged



with false allegation.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan, in connection with Complaint Case No. 412 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

U		T	
---	--	---	--

