

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52233 of 2018

Arising Out of PS. Case No.-373 Year-2017 Thana- COMPLAINT CASE District- Supaul

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1. Md. Israfil and Anr Son of Late Md. Dukhi,
 2. Marium Khatoon @ Marium Praveen, Wife of Rahmatullah, resident of Village- Kumarganj, Police Station- Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rizwana Khatoon, Wife of Md. Rahmatullah Daughter of Md. Ishaque, resident of Village- Katahara, Police Station - Kishanpur, District- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun
For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-01-2019 Heard learned counsel for the petitioners. No one appears on behalf of the State to oppose this application.

Petitioners, in the present case, are seeking anticipatory bail in connection with Complaint Case No.373C of 2017 registered for the offences punishable under Sections 498A and 323 of the Indian Penal Code.

Learned counsel for the petitioners submits that the complainant has brought the complaint case alleging cruelty against the entire family members including the father-in-law, mother-in-law, Devar and Sautan of the complainant. It is submitted that on reading of the complaint petition it would appear that the entire allegations are moving around the



husband. The mother-in-law and Devar have been granted privilege of anticipatory bail by the learned Sessions Judge, Supaul whereas the prayer for anticipatory bail of these two petitioners have been rejected. Learned counsel submits that the petitioner no.1 is the father-in-law and there is no reason why he should not be granted the privilege of anticipatory bail keeping his case on the same pedestal with that of mother-in-law. Learned counsel further submits that the petitioner no.2 is said to be Sautan, but she does not admit marriage between the husband of the complainant and her, there is no cognizance under Section 494 of the I.P.C. and as such in the given facts and circumstance she may also be granted the privilege of anticipatory bail.

Having heard learned counsel for the petitioners it appears to this Court that the mother-in-law and Devar have been granted privilege of anticipatory bail by the learned Sessions Judge.

In the given facts and circumstances, in case of arrest or surrender of the petitioners within a period of four weeks from today, the abovenamed petitioners shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) each with two sureties of the like amount each to the



satisfaction of the learned A.C.J.M.-IV, Supaul in connection with Complaint Case No.373C of 2017, subject to the condition that they will immediately report to the Investigating Officer within a period of three weeks from today and shall cooperate in course of investigation. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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