

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59032 of 2019

Arising Out of PS. Case No.-162 Year-2018 Thana- VIJAYEPUR District- Gopalganj

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1. NOOR MOHAMMAD @ MUNNA ALI Son of Late Janif Resident of Village - Mainuddin, P.S.- Baghuachghat, Distt - Deoria, (Uttar Pradesh)
 2. Noor Alam Son of Late Janif Resident of Village - Mainuddin, P.S.- Baghuachghat, Distt - Deoria, (Uttar Pradesh)
 3. Rabiya Khatoon Son of Noor Alam Resident of Village - Mainuddin, P.S.- Baghuachghat, Distt - Deoria, (Uttar Pradesh)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Maitum Nesha @ Babli Wife of Noor Mohammad @ Munna Ali Resident of Village - Pagara Bazar, P.S.- Bijaipur, Distt - Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 22-10-2019 This application, for grant of anticipatory bail, arises out of Bijaipur P.S. Case No. 162/18, disclosing offences under Sections 498(A), 323, 342 and 506 of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act.

Petitioner no. 1 is the husband of the informant and petitioner nos. 2 and 3 are brother in law and sister in law of the informant and allegation against them is of subjecting the informant to cruelty and torture with respect to demand of dowry.

Submission of learned counsel for the petitioners is



that they are ready to keep the informant with full honour and dignity and entire allegations are false and concocted and the petitioner no. 1 could not appear in the court below, as he was appointed in SSB and could not get the leave and he is still ready to keep the informant.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case so far petitioner nos. 2 and 3 are concerned, 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 ACJM-IV, Gopalganj, in connection with Bijaipur P.S. Case No. 162/18, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner no. 1 is concerned, he is directed to surrender in the court below by 14.11.2019, on which, the court below shall release the petitioner on provisional bail and issue notice to the informant and on her appearance, if she desires to live with the petitioner and if the petitioner is ready to keep the informant with full honour and dignity, the court below shall extent the provisional bail of the petitioner for further period of



six weeks and in the meantime, the court below will watch the conduct of the parties by calling the informant and petitioner in the first week of each month for a period of six months and after six months, if the court below is satisfied with the conduct of the petitioner, he will confirm the provisional bail of the petitioner otherwise, he is free to pass any order/orders as he deems fit and proper including cancellation of provisional bail of the petitioner.

It is made clear that if the informant is not ready to live with the petitioner, in that situation, also the provisional bail of the petitioner will be confirmed.

With the above observation, this application is disposed of .

(Vinod Kumar Sinha, J)

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