

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67565 of 2019

Arising Out of PS. Case No.-163 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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YUSUF SHAH @ MD. YUSUF Son of Anisul Azam Shah @ Biral Shah
Resident of Village- Deurwa Deoraj, P.S.- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 448, 363, 366, 494, 498A,
120B, 379 of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

Prosecution case as lodged by the informant is that his
daughter's marriage has been solemnized in the year 2017 with
Md. Abdullah @ Md. Parwej and ever since her marriage, her
husband and his relatives were demanding Rs. 5 lacs as dowry
and due to non-fulfillment of the same, she was subjected to
cruelty in various ways. Ultimately, his son-in-law performed
marriage with his cousin Safiya Soni, and thereafter his son-in-



law started exerting pressure on his daughter to marry with his brother Yusuf Shah, the petitioner. When his daughter was not ready to marry with the petitioner, she was ousted from her matrimonial home about four months before and since then his daughter was living at her parental home. On 15.02.2019, his daughter went out of the house to purchase medicine but she did not return, and during search, it transpired that his daughter was kidnapped away by all the 10 FIR named accused including the petitioner.

Learned counsel for the petitioner submits that there is general and omnibus allegation has been levelled against the petitioner. It is submitted that the statement of the informant's daughter was recorded under Section 164 Cr.P.C. which is Annexure-2, wherein she has categorically and unhesitatingly stated in quit clear that unambiguous words that when her husband Abdullah breached his relation with her by pronouncing three talaque, she married the petitioner Md.Yusuf after Iddat period, but her in laws were mounting pressure on her to leave the petitioner to go back to her previous husband. It is further submitted that a compromise petition at Annexure-5 under the signatures of the informant and his daughter on one hand and of the petitioner on the other and their respective



advocates was filed in court disclosing that Marzina Khatoon and the petitioner have been leading happy conjugal life.

In the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bettiah, West Champaran in connection with Bettiah Town Police Station Case No. 163 of 2019.

(Anjani Kumar Sharan, J)

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