

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77563 of 2019

Arising Out of PS. Case No.-667 Year-2018 Thana- COMPLAINT CASE District- Araria

1. Md. Ainul @ Md. Ainul Haque (Male), aged about 59 years, Son of Late Tahir, Resident of Village - Pechaily, Ward No.4, P.S.- Palasi, Distt.- Araria.
2. Bibi Kabeera (Female), aged about 51 years, W/o Md. Ainul @ Md. Ainul Haque, Resident of Village - Pechaily, Ward No.4, P.S.- Palasi, Distt.- Araria.

... .. Petitioners

Versus

1. The State Of Bihar.
2. Bibi Sajida @ Kari (Female), aged about 31 years, W/o Md. Afsar, D/o Abdul Rahim, Resident of Village - Pechaily, Ward No.4, P.S.- Palasi, Distt.- Araria. At Present resident of Village - Jogindra Ward No.8, P.S.- Mahalgaon, Distt.- Araria.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr.Gopal Kumar Jha, Advocate.
For the State : Mr.Sanjay Kumar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2019 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Section 498(A) of the IPC in which cognizance has been taken under Sections 498(A) of the IPC and 4 of the D.P.Act.

The prosecution story, in brief, is that the accused persons including the petitioners tortured the victim due to non-fulfilment of demand of dowry.



It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. The petitioner no. 1 is the father-in-law and petitioner no. 2 is the mother-in-law of the victim. They are separate in mess and property from the husband of the victim. The case is triable by the Magistrate. The petitioners have further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R./ complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Araria, in connection with Complaint Case No. 667C of 2018,



subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

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