

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69211 of 2018**

Arising Out of PS. Case No.-91 Year-2018 Thana- ABADPUR District- Katihar

1. Md. Askander S/o Rustam Ali
2. Anso @ Ansar Begum W/o Md. Askander
3. Md. Sikander S/o Md. Rustam All are residents of Bhawanipur,P.S. Abadpur, District -Katihar

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Pankaj Kumar Sinha, Mr. Sanjeev Kumar Singh, Advocates
For the State	:	Mr. Dinesh Singh, APP
For the Informant	:	Mr. Abhay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 12-03-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 498(A) and 365/34 of the Indian Penal Code registered in connection with Abadpur P.S. Case No. 91 of 2018.

3. It is submitted that the petitioners, who happen to the brothers-in-law and mother-in-law of the victim, have been falsely implicated merely on suspicion, except which there is no objective material to connect the petitioners with the alleged occurrence. It is further submitted that there is land dispute between the parties. The petitioners are residing separately from the victim's husband and even according to the FIR, the informant had dropped her daughter to the house of his son-in-law. It is further submitted that the present FIR has been instituted after the husband of the victim instituted Matrimonial Suit No. 379 of 2018 for restitution of conjugal right. The petitioners claim clean antecedents.



4. Learned APP assisted by learned counsel for the informant opposes the anticipatory bail petition, submitting that the victim girl has not been recovered and is still traceless. The husband of the victim has also not surrendered. It is submitted that except bald averments, no details have been given in the petition to substantiate claim that the petitioners were living separately with the victim and her husband. It is further submitted that *Panchnama* dated 20.08.2018 said to have been prepared in presence of the Mukhiya and Sarpanch had been signed by them and as such, the same is not reliable.

5. Having regard to the nature of accusations, gravity of offence alleged and considering that the victim girl has not yet been recovered, this Court is not inclined to grant anticipatory bail to the petitioners. The anticipatory bail petition stands dismissed.

BT/-

(Vikash Jain, J)

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