

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73593 of 2018

Arising Out of PS. Case No.-24 Year-2018 Thana- MAHILA P.S. District- Madhepura

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1. Md. Khurshid, Son of Late Md. Bauku,
 2. Md. Yunush @ Md. Yunis, Son of Md. Khurshid,
- Both residents of Village- Sahugarh, Janki Tola, P.S. and District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 17-01-2019 Since petitioner no.1, Md. Khurshid has been arrested, his application for anticipatory bail was directed to be treated infructuous vide order dated 20.12.2018 passed by this Court.

Heard learned counsels for the petitioner and the State.

Petitioner no.2, Md. Yunus @ Md. Yunis is apprehending arrest in a case registered for the offences punishable under Sections 376, 504,354/34 of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, as per the written report of Jahana Khatton submitted to the Station House Officer, Madhepura Mahila Police Station is to the effect that co-accused Md. Rizwan on promise of marriage established physical



relationship with the informant. On 02.05.2018, Md. Rizwan called the informant at his aunt's place, namely Mehroon Khatoon and there also he ravished her. When the mother of the informant reached at the house of her aunt looking for the informant, then Md. Rizwan escaped from the scene. When the family members of the informant went to protest and asked for fixing the date of marriage, then the family members of Md. Rizwan, including the petitioners, being the brother of co-accused, Md. Rizwan demanded dowry of Rupees Two Lac and on declining the same, they assaulted the informant's side.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against co-accused Md. Rizwan. The only accusation against the petitioner is that he did not agree along with the other family members for the marriage without dowry and made assault the family members of the informant.

Learned APP for the State after going through the case diary submits that co-accused, Md. Rizwan established physical relationship with the informant on the pretext of marriage.

Considering the thrust of accusation against co-accused, Md. Rizwan, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let petitioner no.2 above named be



released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Madhepura in connection with Mahila (Madhepura) P.S. Case No. 24 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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