

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82207 of 2019

Arising Out of PS. Case No.-123 Year-2019 Thana- BAUSI District- Araria

1. MD. RAQUIB @ RAKIB Son of Samid Resident of Village - Gaira, Ward No. 01, P.S. and Distt - Araria.
2. Md. Saquib Son of Md. Raquib @ Raquib Resident of Village - Gaira, Ward No. 01, P.S. and Distt - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bounsi P.S. Case No. 123/2019, registered under Sections 341, 323, 379, 498A, 504/34 of the Indian Penal Code & under Section 3/4 of the Dowry Prohibition Act.

As per allegation in the F.I.R., it is the case of the informant that soon after the marriage was solemnized, according to Muslim rites and customs with Md. Aftab on 21.03.2016, her husband and his family members started to make demand of Rs. 2,00,000/- (Rupees two lakhs) and for non-fulfilment of the same, physically and mentally tortured her. It



is further stated that she lodged Complaint case no. 918c/2019 and on getting to know about the said case her husband assaulted and abused her and recited Talaq three times. It is further stated that Md. Raquib also took away her silver chain valued at Rs. 6,000/-.

It is submitted by learned counsel for the petitioners that the allegation in the F.I.R. is primarily against the husband of the informant who is already in custody as stated in paragraph no.13 of the application. It is further submitted that even from perusal of the FIR it would transpire that the allegation is general and omnibus in nature. Specific allegation of assault is against the husband of the informant. It is further submitted that the allegation of taking away a silver chain from the neck of the informant is ornamental in nature.

Having heard learned counsel for the parties and taking into consideration the contents of the F.I.R., the nature of allegation, the husband of the informant being in custody and the petitioners having clean antecedent the court is inclined to grant bail to the petitioners. The petitioners above named are directed to surrender in the Court below within a period of six weeks from today and in the event of their arrest or surrender, they shall be enlarged on bail on furnishing bail bond of



Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Bounsi P.S. Case No. 123/2019, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Partha Sarthy, J)

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