

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7735 of 2020

Arising Out of PS. Case No.-1932 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. MD. MURTASIM @ BHUTTO Son of Late Md. Mustakim Resident of Village - Salempur, P.S.- Jagdishpur, District - Bhagalpur.
 2. Bibi Kishwari @ Kishya Wife of Md. Murtasim @ Bhutto Resident of Village - Salempur, P.S.- Jagdishpur, District - Bhagalpur.
 3. Marya Khatoon Wife of Md. Shamsuzzoha D/o Md. Murtasim @ Bhutto, Resident of Village - Salempur, P.S.- Jagdishpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sabrin Wife of Md. Kausar D/o Md. Usman, Resident of Village - Salempur, P.S.- Jagdishpur, District - Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-06-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioners and Sri Choubey Jawahar, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with complaint case no. 1932 of 2018 registered for the offences punishable under Section 498A of Indian Penal Code.

The case of the prosecution is regarding the



marriage of the complainant Sabrin having solemnized with one Md. Kausar as per the Muslim customs on 20.04.2017 and during the course of the said marriage, the father of the complainant had given lots of ornaments and other articles by way of dowry, whereafter the complainant is stated to have come to her in-laws house and had then gone with her husband to Kerala, where they lived happily for 3-4 months, however the husband of the informant started saying that the father of the complainant had not even given motorcycle and has defrauded him. It is further alleged that the husband of the complainant had then taken the complainant to her matrimonial house and had left quietly for Kerala. It is also alleged that the father-in-law and mother-in-law of the complainant used to get all the domestic works done by the complainant and used to beat her and abuse her on account of non-fulfilment of the demand for dowry and lastly, she was kicked out of her matrimonial house.

The learned counsel for the petitioners has submitted that the petitioners are in-laws and they have got nothing to do with the dispute between the husband and wife. It is further submitted that the husband of the complainant namely Md. Kausar has also preferred a petition for grant of bail bearing Cr. Misc. no. 8616 of 2020 and a co-ordinate Bench of this



Court vide order dated 03.03.2020, has issued notice to the complainant/ opposite party no. 2 therein and has granted interim protection from arrest to the husband of the complainant. It is thus submitted that if at all anybody is having complicity in the matter, it is the husband of the complainant and his case is already under-consideration by a co-ordinate Bench of this Court.

Having regard to the facts and circumstances of the case and considering the aforesaid submissions made by the learned counsel for the petitioners as also taking into account the fact that the petitioners herein are the in-laws of the complainant and the case of the husband of the complainant is already under-consideration before a co-ordinate Bench of this Court, I do not find any impediment in grant of privilege of anticipatory bail to the petitioners herein. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-II Class, Bhagalpur in connection with complaint



case no. 1932 of 2018 subject to the conditions as laid down
under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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