

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13814 of 2020

Arising Out of PS. Case No.-265 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

1. MD. MUSTKIM @ MOSTKIM Son of Asin Rain R/o Mohalla - Tahar, Madhopur, P.S. - Runnisaidpur, District - Sitamarhi.
2. Jahani Khatoon Wife of Md. Mustkim @ Mostkim R/o Mohalla - Tahar, Madhopur, P.S. - Runnisaidpur, District - Sitamarhi.
3. Julekha Khatoon Wife of Md. Chhote R/o Mohalla - Madhopur, Sultanpur, P.S. - Runnisaidpur, District - Sitamarhi

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Asmina Khatoon Wife of Md. Sarfaraj R/o Village - Tahar, Madhopur, P.S. - Runnisaidpur, District - Sitamarhi A/p - D/o Md. Kasim, R/o Village - Bedaul, P.S.- Aurai, District - Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

The petitioners are apprehending their arrest in a case registered under Sections 341, 323, 498(A)/34 of the Indian Penal Code and ¾ of Dowry Prohibition Act.

Allegation against the petitioners is of committing



torture upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. The petitioners are father-in-law, mother-in-law and sister-in-law respectively of the victim. The case is triable by the Magistrate. The petitioners have 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 State and the informant, it is submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, 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 their personal bonds to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi Sadar in connection with Runnisaipur P.S. Case No. 265/19, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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