

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18234 of 2020

Arising Out of PS. Case No.-1118 Year-2012 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. ABBAS SHAH @ MD.ABBAS SHAH Son of Late Ishak Shah Resident of Village - Tilangi, P.S.- Sonbarsa, District - Sitamarhi.
 2. Janila Khatoon @ Jamila Khatoon Wife of Abbas Shah Resident of Village - Tilangi, P.S.- Sonbarsa, District - Sitamarhi.
 3. Anwarul Shah Son of Abbas Shah Resident of Village - Tilangi, P.S.- Sonbarsa, District - Sitamarhi.
 4. Nurail Shah @ Nurail Alam @ Nuren Shah Son of Abbas Shah Resident of Village - Tilangi, P.S.- Sonbarsa, District - Sitamarhi.
 5. Husnain Shah @ Hasnain Shah @ Haslail Shah Son of Abbas Shah Resident of Village - Tilangi, P.S.- Sonbarsa, District - Sitamarhi.
 6. Halima Khatoon Wife of Asgar Shah Daughter of Abbas Shah, Resident of Village - Tilangi, P.S.- Sonbarsa, District - Sitamarhi.
 7. Gayawali @ Jarina Khatoon Wife of Anwarul Shah Resident of Village - Tilangi, P.S.- Sonbarsa, District - Sitamarhi.

... .. Petitioners

Versus

1. The State of Bihar
2. Md. Haslam Shah @ Md.Hasim Shah Son of Late Manir Sah Resident of Village - Salempur, P.S.- Saharghat, District - Madhubani

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-08-2020 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 and learned
APP for the State.



The petitioners are apprehending their arrest in a case registered under Sections 304B, 120B/34 of the Indian Penal Code

Allegation against the accused persons is of committing torture and assault and thereafter caused death of 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. The petitioner nos. 1 and 2 are father-in-law and mother-in-law, petitioner nos. 3 and 4 are brothers-in-law, petitioner no. 5 is cousin brother-in-law and petitioner nos. 6 and 7 are married gotni, of the deceased. Prior to institution of the complaint case, a U.D. case was instituted by the husband of the deceased. The police, after investigation of the U.D. case, submitted a police report with a finding that it is a case of accident. Thereafter, a complaint case was filed by the father of the deceased and subsequently process was issued in the case. The petitioners are separate in mess and property from the husband of the deceased. They have got no concern with the alleged occurrence.



On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/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 eight weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of Judicial Magistrate, 1st Class, Sitamarhi in connection with Complaint Case No. C1-1118/12 (Tr. No. 2987/18), 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) each 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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