

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22711 of 2020

Arising Out of PS. Case No.-177 Year-2019 Thana- LODIPUR District- Bhagalpur

1. MINHAJ Son of Late Noor Alam Resident of Village- Ustoo, P.S.- Lodipur, Distt- Bhagalpur.
2. Bibi Sahjadi W/o Late Noor Alam Resident of Village- Ustoo, P.S.- Lodipur, Distt- Bhagalpur.
3. Bibi Roshan W/o Monif Resident of Village- Ustoo, P.S.- Lodipur, Distt- Bhagalpur.
4. Bibi Mobina W/o Sukhar Resident of Village- Ustoo, P.S.- Lodipur, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Ms.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-10-2020 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
Ms. Asha Kumari, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Lodipur PS case no. 177 of 2019 registered for the offences punishable under Sections 341, 323, 307, 498A, 504, 506/34 of Indian Penal Code and 3/4 of Dowry Prohibition Act.



The allegation is regarding the accused persons including the petitioners herein having assaulted and abused the informant on account of non-fulfilment of the demand for dowry, whereafter the husband of the informant is stated to have given triple *talak* and thrown the informant and her child out of the matrimonial home.

The learned counsel for the petitioners has submitted that the petitioner no. 1 is the elder brother-in-law of the informant, petitioner no. 2 is the mother-in-law and petitioners no. 3 and 4 are the married sister-in-law of the informant who are staying separately and have no concern with the internal dispute in between the husband and the wife.

I have heard the learned counsel for the parties. From the impugned order dated 24.02.2020, I find that though the counsel for the accused persons-petitioners herein had undertaken before the learned court below to produce the husband of the informant before the court but they did not produce the husband of the informant before the learned court below on the appointed day and moreover, the maintenance amount is also not being paid to the informant.

At this juncture, the learned counsel for the petitioners submits that atleast, the respondents no. 3 and 4, who are



married sisters-in-law of the informant and are having no complicity in the matter, since they are staying separately along with their husbands elsewhere, may atleast be granted the privilege of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the petitioners no. 3 and 4 are married sisters-in-law of the informant and are staying separately along with their husbands, I deem it fit and appropriate to admit the petitioners no. 3 and 4 to the privilege of anticipatory bail. However, considering the conduct of the petitioners no. 1 and 2, who definitely have allegiance with the husband of the informant, who has neither appeared before the court below, despite undertaking by the learned counsel for the petitioners and has moreover, failed to pay the amount of maintenance to the informant, I do not find any merit in the case of the petitioners no. 1 and 2, as far as grant of anticipatory bail to them are concerned, hence their case for grant of anticipatory bail, is rejected.

Accordingly, the abovenamed petitioners no. 3 and 4, 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 Chief Judicial Magistrate, Bhagalpur in connection with Lodipur PS case no. 177 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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