

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 23751 of 2020

Arising Out of PS. Case No.-873 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. RIZWAN ALAM @ MD RIZWAN ALAM S/O Late Munir Alam R/O Village - Gadha Ward No. -12 @ Garha, P.S. - Pupri, Dist. - Sitamarhi.
 2. Asma Khatoon @ Aasma Khatoon W/O - Md. Rizwan Alam R/O Village - Gadha Ward No. -12 @ Garha, P.S. - Pupri, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shagufata Praveen @ Sagupta Prabeen W/O Imran Ahmad, D/O Anisur Rahman R/O Village - Gadha Ward No. -12 @ Garha, P.S. - Pupri, Dist. - Sitamarhi. At present R/O Village - Sakari, P.S. - Sakari, Dist. - Madhubani.

... .. Opposite Party/s

For the Petitioner/s : Mr Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr Jagdhar Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-10-2020

As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

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

Petitioners apprehend their arrest in connection with CR Case No 873 of 2018 (CIS)/873 of 2018 (CR) instituted for the offence punishable under Section (s) 341, 323,



342, 379, 307, 449, 504, 506, 498A/34 of Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The complaint case has been lodged wherein the petitioners, who are father-in-law and mother-in-law of the complainant, have been implicated along with the husband. Cognizance has been taken under Sections 498A/34 of Indian Penal Code and Sections 3/4 of Dowry Prohibition Act. It is submitted by the petitioners' counsel that the husband of the complainant is already in custody. Drawing attention of the Court towards the order of the learned Sessions Judge rejecting the petitioner's anticipatory bail application on 22.02.2020, it is submitted that the efforts to arrive at a settlement between the complainant and her husband (co-accused) are already in process. Merely, by virtue of their relationship with the complainant's husband, the petitioners have been implicated in this case.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be



released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Madhubani in CR Case No 873 of 2018 (CIS)/873 of 2018 (CR) subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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