

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25497 of 2020

Arising Out of PS. Case No.-126 Year-2020 Thana- VAISHALI District- Vaishali

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1. Md. Muslim, Son of Md. Gaphar, Resident of Village- Paterha, P.S.- Vaishali, (O.P. Belsar), District- Vaishali (Bihar).
 2. Md. Hussain, Son of Late Abdul Rahim, Resident of Village- Paterha, P.S.- Vaishali, (O.P. Belsar), District- Vaishali (Bihar).
 3. Md. Firoj, Son of Md. Idris, Resident of Village- Paterha, P.S.- Vaishali, (O.P. Belsar), District- Vaishali (Bihar).
 4. Md. Jafir Alam, Son of Abdul Rahim, Resident of Village- Imam Kaji Masjid, Paterha, P.S.- Vaishali (O.P., Belsar), District- Vaishali (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Manjoor Son of Late Md. Halim Resident of Village- Muja Pakari, P.S.- Vaishali (O.P. Belsar), District- Vaishali (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratima Kumari, Advocate.
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 21-10-2020 In view of the submission and undertaking of the learned counsel for the petitioners, at the time of hearing of this application through Video Conferencing, that he would remove the defect(s), as pointed out by the stamp reporter, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection



with Vaishali (O.P. Belsar) P.S. Case No. 126 of 2020, registered under Sections 323, 504, 506, 384, 379, 341 and 347 of the Indian Penal Code.

The accusation is that Md. Ashraf, son of the complainant/informant, Md. Manjur, was going to market in the evening of 16.12.2019. At that time, in the way, petitioners caught hold his son, Md. Ashraf, and started to caused assault asking to perform the *Nikah* with Hasan Tara, daughter of Md. Muslim (petitioner no.1) then his son, Md. Ashraf refused. Thereafter, his son, Md. Ashraf was locked in the room on the point of pistol and got prepared the paper of *Nikah*. On hearing the said incident, complainant/informant along with his nephew went there and got set free his son, Md. Ashraf.

Learned counsel for the petitioners submits that, in fact, *Nikah* of Hasan Tara, daughter of Md. Muslim (petitioner no.1) was performed with Md. Ashraf, son of the informant, and after *Nikah*, informant and his son, Md. Ashraf, made demand of dowry due to that reasons, Complaint Case No. (C) 586 of 2020 is also instituted in the court of Chief Judicial Magistrate, Vaishali at Hajipur by the daughter of the informant against the petitioner no.1 and his son, Md. Ashraf, only to give undue pressure, the present case has been lodged with false allegation.



Further submission is that petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Vaishali (Belsar O.P.) P.S. Case No. 126 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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