

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24104 of 2020

Arising Out of PS. Case No.-39 Year-2019 Thana- MAHILA District- Munger

MD. CHAND @ MD. IRSHAD ALAM Son of Md. Harif Resident of
Village- Churambha, P.S.- Mufassil, District- Munger. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

WITH

CRIMINAL MISCELLANEOUS No. 25157 of 2020

Arising Out of PS. Case No.-39 Year-2019 Thana- MAHILA District- Munger

MD. SHAMSHER @ SHAMSHAD Son of Md. Ekram Resident of Mohalla -
Quarter No. 189 Shankarpur Colony, P.S.- Mufassil, District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Aalia Sultana Daughter of Noor Mohammad Resident of Mohalla - Purab
Sarai, Azad Colony, P.S.- Kotwali, District - Munger.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 24104 of 2020)

For the Petitioner/s : Mr. Md. Harun Quareshi

For the Opposite Party/s : Mr. Ramchandra Singh

(In CRIMINAL MISCELLANEOUS No. 25157 of 2020)

For the Petitioner/s : Mr. Md. Harun Quareshi

For the Opposite Party/s : Mr. Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-11-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioners undertakes to
remove the defects, as pointed out by the office, within three
weeks of resumption of physical court proceeding. In the



eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 498 A, 354 A & 323/34 of the Indian Penal Code and Section $\frac{3}{4}$ of the Dowry Prohibition Act.

The petitioners in association of other family members are said to have tortured and assaulted the informant and lastly dragged out from her matrimonial house on non-fulfillment of demand of dowry.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioner Md. Chand & Md. Irshad Alam is brother-in-law of the informant and has no concern with the family affairs of the informant. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let petitioner, Md. Chand @ Md. Irshad Alam be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on



furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate 1st, Munger in connection with Muffasil P.S. Case No.39 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Criminal Miscellaneous No. 25157 of 2020

As the petitioner is the husband of the informant, issue notice to informant/opposite party no.2 by ordinary as well as registered post with A/D for which requisites etc. must be filed within four weeks of normal functioning of the Court, failing which this application shall stand rejected without further reference to a Bench.

Let Cr. Misc. No.25157 of 2020 be listed after appearance of opposite party no.2 or on valid service of notice, whichever may be earlier. _

In the meantime, no coercive step shall be taken against the petitioner Md. Shamsheer @ Shamshad in Mufassil P.S. Case No.39 of 2019, G.R. No.2520 of 2019, pending in the Court of learned Judicial Magistrate 1st, Munger.

(Anjani Kumar Sharan, J)

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