

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77122 of 2019

Arising Out of PS. Case No.-173 Year-2019 Thana- BAUSI District- Purnia

1. Md. Sakib Son of Md. Murtaja @ Murtaja Resident of Village - Lachhanpur, P.S.- Jalalgarh, District- Purnea
2. Md. Murtaja @ Murtaja Son of Late Sk. Ganouri Murtaja @ Late S.K. Ganori Resident of Village - Lachhanpur, P.S.- Jalalgarh, District- Purnea
3. Bibi Sayeda @ Saieeda Wife of Md. Murtaja @ Murtaja Resident of Village - Lachhanpur, P.S.- Jalalgarh, District- Purnea
4. Md. Tassin @ Tahsin @ Tasim Son of Md. Murtaja @ Murtaja Resident of Village - Lachhanpur, P.S.- Jalalgarh, District- Purnea
5. Md. Nasim Son of Md. Murtaja @ Murtaja Resident of Village - Lachhanpur, P.S.- Jalalgarh, District- Purnea
6. Sajida @ Sajda D/o - Md. Murtaja @ Murtaja Resident of Village - Lachhanpur, P.S.- Jalalgarh, District- Purnea
7. Bibi Farida D/o - Md. Murtaja @ Murtaja Resident of Village - Lachhanpur, P.S.- Jalalgarh, District- Purnea

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 23-06-2020 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant via video conferencing.

The petitioners have filed the present application for grant of pre-arrest bail in connection with Baisi P.S. Case No. 173 of 2019 registered for the offence punishable under Sections 495, 494, 498A, 323, 308 and 379 of the Indian Penal Code.



At the outset, it would be pertinent to note that the petitioner no. 1, who is the husband of the informant has already been arrested and his application has been dismissed as withdrawn vide order dated 06.02.2020.

Learned counsel for the petitioners submitted that the petitioner nos. 2 to 7 are in-laws of the informant and there is omnibus and general allegations against them. They are innocent and the ingredients of the offences punishable under Section 308 of the Indian Penal Code are not attracted. He also contended that the allegation made under Section 379 of the Indian Penal Code is ornamental.

Learned counsel for the informant has vehemently opposed the application for grant of pre-arrest bail to the petitioners. She submitted that after ousting the informant, her husband Md. Sakib has already married with another lady. She further contended that there is allegation against the petitioners that they also demanded TVS motorcycle and assaulted the informant mercilessly.

In reply, learned counsel appearing for the petitioners submitted that there is neither any injury report of the informant nor any truth behind the allegation of subjecting her to cruelty against the petitioners. There is also an inordinate delay of five



days in institution of the FIR.

Considering the nature of the offence, the submissions advanced on behalf of the parties, especially, the fact that the husband of the informant against whom there is main thrust of allegation has already been arrested, the petitioner nos. 2 to 7 are directed to be released on bail in the event of their arrest or surrender before the court below, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea in connection with Baisi P.S. Case No. 173 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Ashwani Kumar Singh, J)

rohit/-

U		T	
---	--	---	--

