

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15746 of 2021

Arising Out of PS. Case No.-303 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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ISHRAT KHATOON W/o Late Md. Siraj Khan R/o village- Rahmat Nagar,
Road No. 4, Barnpur, P.S.- Hirapur Asansol, District- Burdwan (West Bengal)

... .. Petitioner/s

Versus

1. The State of Bihar
2. NAGMA KHATOON W/o Inteshab Khan, D/o Shahabuddin Khan R/o village- Rahmat Nagar, Road No. 4, Barnpur, P.S.- Hirapur Asansol, District- Burdwan (West Bengal). At present Residing at village- Char Hajar Mohalla, P.S.- Maner, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioner is apprehending her arrest in a case registered under Sections 323, 341, 307, 406, 498A/34 of I.P.C. and ³/₄ of Dowry Prohibition Act, but cognizance has been taken under Section 498A of I.P.C. and 4 of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfilment of demand of



dowry.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Cognizance has been taken under Section 498A of I.P.C. and Section 4 of Dowry Prohibition Act. The case is triable by the Magistrate. The petitioner is the mother-in-law of the victim. The petitioner has relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on her personal bond to the satisfaction of learned Sub Divisional Judicial Magistrate, Danapur, Patna in connection with Complaint case No.303C of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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