

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16508 of 2021

Arising Out of PS. Case No.-25 Year-2018 Thana- PAROO District- Muzaffarpur

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1. MD GAFFAR S/o Md. Hadish Miyan R/o village- Phulwariya, P.S.- Paroo, District- Muzaffarpur
 2. Md. Hadish Miyan @ Hadish Miyan S/o Late Md. Nabbi Miyan R/o village- Phulwariya, P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Adv

For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 16-12-2021 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

Petitioners who are in custody since 21.10.2020 in connection with Paroo P.S. Case No. 25 of 2018 under Sections 147, 323, 341, 304, 498A, 504 of the I.P.C and Section 3/4 of the Dowry Prohibition Act.

The case of the prosecution in brief is that petitioners along with other co-accused persons demanded dowry of Rs. 25,000/- and a Hero Honda Motorcycle from the parents of informant and on non-fulfillment of demand of dowry, the petitioners along with other co-accused persons tortured the informant and ousted her from the house by assaulting brutally



while she had conceived a baby. It is further alleged that after getting knowledge about the torture, the father and brother of the informant came to her in-laws' house where they also got brutally assaulted by the petitioners and other accused persons and as a result of which, father and brother of the informant sustained injuries.

Learned counsel appearing on behalf of the petitioners submits that petitioners have falsely been implicated in this case and they are *bhaisur* and father-in-law of the informant. He further submits that these petitioners are living separately from the informant and in this regard the petitioners have also brought on record by way of supplementary affidavit that petitioners above named are separated from the informant and are living separately since 20 years.

Learned APP appearing on behalf of the State submits that from perusal of paragraph No. 37 of the case diary it appears that these petitioners were present at the time of alleged spat between the family members and the complicity of these petitioners cannot be ruled out and as such they should not be enlarged to bail.

Having considered the facts and circumstances of the case, submissions made by the rival parties as well as



considering the fact that these petitioners have been living separately, this Court directs to release the petitioners on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IIIrd, (West) Muzaffarpur in connection with Paroo P.S. Case No. 25 of 2018 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners temper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Purnendu Singh, J)

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