

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39531 of 2021**

Arising Out of PS. Case No.-113 Year-2020 Thana- NATIONAL HIGHWAY District-
Samastipur

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1. SHAMSHUL @ SHAIKH SHAMSHUL S/o Late Riyasat Ali Resident o Village- Rupanpatti, P.S.- Sakra, District- Muzaffarpur.
 2. Maimoon Nisha W/o Sheikh Shamshul @ Shamshul Resident o Village- Rupanpatti, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shajia Firdaus D/o- Fojel Ahmad Resident of Village- Mohiuddinpur Rajawa NA Bangra, District- Samastipur, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Rajkumar Rajesh, Advocate
For the State	:	Mrs.Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-09-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners 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.

Counsel for the petitioner is directed to make necessary correction in paragraph 1 of the bail application.

Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.1, as the petitioner No.1 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.1 is



dismissed as withdrawn.

The petitioner No.2 is apprehending her arrest in connection with Bangara P.S. case No.113 of 2020 registered under Section 498A of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act and Section 3 of the Muslim Women (Protection of Rights of Marriage) Act, 2019.

Allegation against the petitioner No.2 is of committing torture upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner No.2 that the petitioner No.2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No.2. The petitioner No.2 has falsely been implicated in the present case. The petitioner No.2 is the mother-in-law of the victim. She is separate in mess and property from the husband of the victim. The case is triable by the Magistrate. The petitioner No.2 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 No.2 is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case,



the petitioner No.2, 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 A.C.J.M. 4, Samastipur in connection with Bangra P.S. case No.113/2020 arising out of Complaint case No.834/2020, G.R. No.2395/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No.2 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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