

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30485 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- BAIRIYA District- West Champaran

1. Mazhar Hussain @ Majhar Hussain Son of Late Bashir Sah @ Late Vashir Sah Resident of Mainpur, Tilanghi, P.S.- Bairiya, District - West Champaran.
2. Shafi Akhtar @ Safi Akhtar Son of Mazhar Hussain @ Majhar Hussain Resident of Mainpur, Tilanghi, P.S.- Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Khatim Reza, Advocate
For the State	:	Dr. Mrityunjaya Kumar Singh, APP
For the Informant	:	Mr. Anshuman Singh, Advocate'
		Mr. Rakesh Kumar, Advocate
		Mr. Madhav Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 26-02-2021 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Bairiya P.S. Case no. 44 of 2020 registered for the offence punishable under sections 341, 323, 506 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per allegation in the FIR, it is stated by the informant that the brother of the informant's sister's husband enticed her and on the promise of marriage established physical relations with her. It is further stated that Rs. 4 lacs in cash,



gold worth Rs. 3 lacs and a motorcycle were given by way of dowry, however on the informant going to the place of the accused persons, the three named accused persons including the two petitioners herein forced her out of the house and stated that her father would have to pay further Rs. 1 lakh or else Wasim would be married elsewhere.

It is submitted by learned counsel for the petitioners that the sister of the informant happens to be married to one of the sons of petitioner no. 1. The allegation is against the other son of the petitioner no. 1 who is not the petitioner herein. It is submitted that from the material that has transpired in course of investigation it would clearly be evident that the informant was examined by a medical team in whose opinion her age was estimated to be between 20 to 25 years. It is submitted that all the allegations are mainly against Wasim Akhtar, son of the petitioner no. 1 and so far as the petitioners herein are concerned, the allegations are general and omnibus in nature. The petitioners have no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioners are named in the FIR but there is direct and specific allegation



against them of having taken dowry to the tune of Rs. 4 lacs and gold besides a motorcycle and breaking the marriage between the informant and Wasim Akhtar for non-payment of further sum of Rs. 1 lakh. It is submitted that the witnesses in course of investigation who happen to be the neighbour of the accused have supported the allegations as levelled in the FIR. The supervising authority has found the case to be true also under section 376 of the Indian Penal Code.

Having heard learned counsel for the parties and taking into consideration the nature of allegation as levelled in the FIR, the main allegation being against Wasim Akhtar, the brother-in-law of the informant namely Wali Akhtar who happens to be the other son of the petitioner no. 1 not having been made accused in the instant application as also the informant admittedly being major, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of six weeks from today and in the event of their arrest or surrender in connection with Bairiya P.S. Case no. 44 of 2020, they will be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial



Magistrate 1st, West Champaran at Bettiah subject to the
conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

Prakash/-

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