

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32834 of 2020

Arising Out of Complaint Case No.-936 Year-2019 Thana- MADHUBANI COMPLAINT
CASE District- Madhubani

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1. Md. Nasim, aged about 40 years, Son of Late Badrul Haque.
 2. Md. Moien @ Sonu, aged about 24 years, Son of Late Badrul Haque.
 3. Masoom Khatoon @ Samima Khatoon @ Shameena Khatoon, aged about 62 years, Wife of Late Badrul Haque.
 4. Rizbana Khatoon, aged about 43 years, Daughter of Late Badrul Haque.
 5. Afsana Khatoon, aged about 22 years, Daughter of Late Badrul Haque.
- All resident of Village - Sagarpur Sakari, PS Sakari, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nasrin Anjum, aged about 23 years, Wife of Md. Jasim, Resident of Village - Sagarpur Sakari, PS Sakari, District - Madhubani. At present Daughter of Late Wasi Ahamad, Resident of Village Khajuri, PS Madhubani Town, District Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
For the State	:	Mr. Md. Matloob Rab, APP
For the Complainant	:	Mr. Jitendra Kumar Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 06-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ravi Prakash, learned counsel for the petitioners; Mr. Md. Matloob Rab, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Jitendra Kumar Bharti, learned counsel for the complainant.

3. The petitioners apprehend arrest in connection with Complaint Case No. 936 of 2019 dated 22.10.2019, instituted



under Sections 323, 379, 498A, 354 B of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, 1961.

4. The allegation against the petitioners, who are the in-laws of the complainant, is that after marriage on 18.09.2016, various articles and jewelry worth Rs. 12 lakhs were given by way of gift, but soon after the accused persons started demanding Rs. 2 lakhs cash and one Bullet motorcycle and because of non-fulfillment, she was mentally and physically tortured and despite there being two infant sons born out of the wedlock, they had tried to kill her and had also driven her out of the matrimonial home.

5. Learned counsel for the petitioners submitted that petitioner no. 1 is the elder brother; petitioner no. 2 the younger brother; petitioner no. 3 the mother and petitioners no. 4 and 5, the married sisters of the husband of the complainant. It was submitted that they have no role in any demand of dowry, especially petitioners no. 4 and 5, who are married and living at their matrimonial home. It was submitted that the petitioners also do not obtain anything from such demand. Learned counsel submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that there is allegation of demand of dowry and torture.



7. Learned counsel for the complainant submitted that the petitioners were also torturing her to fulfill the demand of dowry as they are brothers/sisters/mother of the husband of the complainant. It was submitted that the petitioners no. 1, 2 and 3 residing in the same place obviously have a role if any member of the family is tortured and, thus, they cannot be said to be innocent. However, he did not dispute the fact that the petitioners no. 4 and 5 are married sisters of the husband of the complainant and living in their respective matrimonial homes.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner no. 4 namely Rizbana Khatoon and petitioner no. 5 namely, Afsana Khatoon be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Madhubani in Complaint Case No. 936 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

9. The prayer for pre-arrest bail of petitioner no. 1 namely, Md. Nasim; petitioner no. 2 namely, Md. Moien @ Sonu



and petitioner no. 3 namely, Masoom Khatoon @ Samima Khatoon @ Shameena Khatoon, is rejected.

10. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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