

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38307 of 2020

Arising Out of PS. Case No.-33 Year-2020 Thana- MAHILA PS District- East Champaran

1. SHEIKH SAMIULLAH @ SAMIULLAH S/o Late Sheikh Samsul Haque R/o village- Siswa, P.S.- Banjariya, District- East Champaran
2. SHEIKH KALIMULLAH S/o Late Sheikh Samsul Haque R/o village- Siswa, P.S.- Banjariya, District- East Champaran
3. SHEIKH ZABIULLAH S/o Kalimullah @ Sheikh Kalimullah R/o village- Siswa, P.S.- Banjariya, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : None

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 21-10-2021

Heard learned counsel for the petitioners.

The petitioners apprehend their arrest for the offences alleged under Sections 498A, 313, 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act, registered in connection with Mahila P.S. Case No. 33 of 2020.

The informant, Khusbu Khatoon lodged FIR alleging therein that the accused persons including these petitioners tortured her for non-fulfillment of dowry demand of Rs. 2 lac cash and a motorcycle. The further allegation is that during her pregnancy the husband and accused persons forcibly administered poisonous substance to the victim, resulting pre-mature abortion of her intrauterine foetus.



Learned counsel for the petitioners has submitted that it is a case of matrimonial dispute. The petitioner No. 1 is father-in-law, the petitioner No. 2 is uncle-in-law whereas petitioner No. 3 is brother-in-law of the victim lady and these petitioners are living separately from the informant and her husband and they have no concern with day-to-day matrimonial affairs of the couple.

None appeared on behalf of the State of Bihar.

It appears to be a case of matrimonial dispute and petitioners are in-laws of the victim lady, they are supposed to having no concern with day to day affairs of the husband and wife.

Considering the facts and circumstances, let the petitioners in the event of their arrest or surrender within four weeks before the court below or the police be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sadar, East Champaran at Motihari in connection with Mahila P.S. Case No. 33 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey , J)

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