

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5683 of 2021**

Arising Out of PS. Case No.-20 Year-2020 Thana- MAHILA P.S. District- Saharsa

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1. NAIYAR EKBAL @ MD. EKBAL NAIYAR S/O LATE UMAR ALAM  
RESIDENT OF VILLAGE-SAMASTIPUR, P.S-BAKHTIARPUR,  
DISTRICT-SAHARSA.
  2. OBIRA KHATOON W/O LATE UMAR ALAM RESIDENT OF  
VILLAGE-SAMASTIPUR, P.S-BAKHTIARPUR, DISTRICT-SAHARSA.

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. TABASSUM PARWEEN D/O LATE ABDUL SATTAR, W/O NAIYAR  
EKBAL @ MD. EKBAL NAIYAR RESIDENT OF VILLAGE-  
SAMASTIPUR, P.S-BAKHTIARPUR, DISTRICT-SAHARSA.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Raj Nandan Prasad, Advocate  
For the Opposite Party/s : A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

ORAL ORDER

2      20-02-2021                      As prayed for, let the learned counsel appearing for  
the petitioners remove the defect(s), as pointed out by the  
office vide its notes dated 18.01.2021, within four weeks of  
starting of Court proceeding in physical mode.

Learned counsel appearing on behalf of the  
petitioners seeks permission to withdraw the application filed  
on behalf of the petitioner No.1 Naiyar Ekbal @ Md. Ekbal  
Naiyar as he has already been apprehended by the Police.

In view of the above, the application filed on behalf  
of the petitioner No.1 Naiyar Ekbal @ Md. Ekbal Naiyar is



dismissed as withdrawn.

Heard learned counsel for the petitioner No.2 and the learned A.P.P. for the State.

The petitioner No.2 Obira Khatoon apprehends her arrest in connection with Saharsa (Mahila) P.S. Case no. 20 of 2020, registered under Sections 341, 342, 498(A), 494, 323, 379, 504 and 506/34 of the Indian Penal Code.

The accusation is that the Nikah of informant/O.P. No.2 Tabassum Parween was performed on 29.11.2010 with Naiyar Ekbal @ Md. Ekbal Naiyar fixing the Den Mohar of Rs. 51,000/- and article in gift worth of Rs. One lakh was also provided. On Bidai, the informant/O.P. No.2 went at her matrimonial house and she was blessed with female child, but, unfortunately, she died, thereafter, she was again blessed with male child, namely, Md. Farhan. In spite of that her husband Naiyar Ekbal @ Md. Ekbal Naiyar, mother-in-law Obira Khatoon (petitioner No.2) and brother-in-law Md. Saddam started to torture her physically and mentally. On 23.10.2014, she was assaulted brutally and on seeing her serious condition, her husband rushed her for treatment at Saharsa and under conspiracy, to save the skin, in case lodged by her, her husband Naiyar Ekbal @ Md. Ekbal Naiyar



committed murder of her father Umar Alam and falsely implicated her mother and her other Myaka people and she was removed causing assault from matrimonial house. Later on, her husband Naiyar Ekbal @ Md. Ekbal Naiyar performed remarriage with a lady, namely, Nini. Thereafter, informant/O.P. No.2 went at her matrimonial house and made query to her husband about his remarriage on which she was again assaulted and removed from his matrimonial house.

Learned counsel for the petitioner No.2 submits that earlier the informant/O.P. No.2 had filed the Complaint Case No. 327 of 2016 in the Court of Chief Judicial Magistrate, Saharsa against her husband and other in-laws, including petitioner No.2 in which petitioner No.2 is on bail. Further submission is that while the petitioner No.2 is named in the F.I.R., but no specific overt act has been attributed against the petitioner No.2, who is the mother-in-law of the informant/O.P. No.2.

Having regard to the facts and circumstances of the case, let the above named petitioner No.2 Obira Khatoon, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saharsa in connection with Bakhtiarpur P.S. Case No. 20 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Rajendra Kumar Mishra, J)**

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