

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5210 of 2022

Arising Out of PS. Case No.-82 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Sk. Abid Son Of Sk. Shadik R/O Village- Hirmani, P.S.- Chhauradano, District- East Champaran
 2. Bibi Sobaidi Wife Of Sk. Abid R/O Village- Hirmani, P.S.- Chhauradano, District- East Champaran
 3. Md. Parvej Alam @ Parvej Alam Son Of Sk. Master R/O Village- Hirmani, P.S.- Chhauradano, District- East Champaran
 4. Sabnam Khatoon Wife Of Md. Parvej Alam @ Parvej Alam R/O Village- Hirmani, P.S.- Chhauradano, District- East Champaran
 5. Sk. Master Son Of Sk. Sadik R/O Village- Hirmani, P.S.- Chhauradano, District- East Champaran

... .. Petitioners.

Versus

1. The State of Bihar
2. Shahista Praveen Daughter Of Md. Nesar R/O Village- Sheikh Toli Laukhan, P.S.- Ghorasahan, District- East Champaran

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-02-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and the State



through virtual mode.

The petitioners are apprehending their arrest in Trial No. 1946 of 2021 arising out of Complaint Case No. C-82 of 2021 registered under Sections 498(A), 34 of the Indian Penal Code.

Allegation against the accused persons including the petitioners is of committing torture upon the victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. The petitioner Nos. 1, 2, 3 & 5 are father-in-law, mother-in-law, cousin brother-in-law and cousin father-in-law of the victim respectively whereas petitioner No. 4 is wife of petitioner No. 3. All the offences are triable by the Magistrate. The petitioners have 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 petitioners are named in the Complaint Case/F.I.R.

It is necessary to indicate here that this Court while



considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances of the case, the petitioners, 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 their personal bond to the satisfaction of learned Judicial Magistrate-Ist Class, Raxaul, Motihari, East Champaran in connection with Trial No. 1946 of 2021 arising out of Complaint Case No. C-82 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners 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.



The petitioners are directed to co-operate during the trial.
If the petitioners do not co-operate during the trial, the court below will be at liberty to cancel the bail bonds of the petitioners.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Sudhir Singh, J)

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