

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29773 of 2021

Arising Out of PS. Case No.-264 Year-2020 Thana- PATEPUR District- Vaishali

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1. Md. Mokim @ Md. Moki S/O Late Md. Basir @ Late Md. Bashir R/O Village Chak Simarwara @ Simarwara Chowk, P.S.-patepur, District-Vaishali.
 2. Md. Chhotu @ Md. Mokid S/O Late Md. Basir @ Late Md. Bashir R/O Village Chak Simarwara @ Simarwara Chowk, P.S.-patepur, District-Vaishali.
 3. Farhat Pravin W/O Md. Mokim @ Md. Moki R/O Village Chak Simarwara @ Simarwara Chowk, P.S.-patepur, District-Vaishali.
 4. Nasarin Pravin W/O Md. Chhotu @ Md. Mokid R/O Village Chak Simarwara @ Simarwara Chowk, P.S.-patepur, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Juli Khatoon W/O Md. Wakil R/O Village Chak Simarwara P.S.-PATEPUR, District-Vaishali. At Present D/O Rahmat Ali, R/O Village-Simarwara Lemuari, P.S.-PATEPUR, District-Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Learned counsel for the petitioners submits that during the pendency of the petition, petitioner no. 3, namely Farhat Pravin has already been arrested and as such her anticipatory bail application has become infructuous.

As prayed, the anticipatory bail petition as against



petitioner no. 3 namely, Farhat Pravin is permitted to be withdrawn and is dismissed as such.

Heard learned counsel for the petitioners (except petitioner no. 3) and learned APP for the State.

The petitioners (except petitioner no. 3) are apprehending their arrest in a case registered for the offences punishable under Section 498(A), 420 of the Indian Penal Code and Section $\frac{3}{4}$ of the Dowry Prohibition Act.

According to prosecution case, the informant is subjected to assault and torture on account of non-fulfillment of demand of dowry made by the in-laws of the informant.

Learned counsel for the petitioners (except petitioner no. 3) submits that the petitioners have clean antecedents and they have been falsely implicated in the present case only on the basis of suspicion. He further submits it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioners. In fact the petitioner nos. 1 and 2 are the *Devars* of the the informant and the petitioner no. 4 is the sister-in-law of the informant and there is no specific allegation of overt act against the petitioners.

Learned APP for the State has opposed the prayer for bail of the petitioners.



Considering the facts and circumstances of the case, let the petitioners (except petitioner no. 3), above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Patepur P.S. Case No. 264 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners (except petitioner no. 3) shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners (except petitioner no. 3) tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners (except



petitioner no. 3) and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners (except petitioner no. 3). However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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