

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36501 of 2021

Arising Out of PS. Case No.-18 Year-2020 Thana- MAHILA PS District- Gaya

1. MD. ABBAS Son of Late Md. Hamid Resident of Village- Salempur, Nawaranga, P.S.- Muffasil and District- Gaya.
2. Aamna Khatun Wife of Md. Abbas Resident of Village- Salempur, Nawaranga, P.S.- Muffasil and District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Gajendra Kumar Singh, Advocate
For the State	:	Mr.Binod Kumar, APP
For the informant	:	Mr.Shivendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-04-2022 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

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

The petitioners are apprehending their arrest in a case registered under Sections 376, 354(D), 504, 506, 509 and 34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

Prosecution case, in short, is that the co-accused Md. Jahid clicked obscene photos of the informant and thereafter solemnized marriage with her. Further case of the prosecution is



that when the informant went to her Sasural, the petitioners are said to have not accepted her as daughter-in-law.

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. On the pretext of marriage, co-accused, namely, Md. Jahid established physical relationship with the victim. Learned counsel for the petitioners submits that the said relationship was a consensual relationship between the parties. The petitioners happen to be the father and the mother of co-accused Md. Jahid. Hence they have been made accused in the present case. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. Learned counsel for the petitioners has placed reliance on cases of the Hon'ble Supreme Court since reported in **2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharashtra & Ors)** and **(2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.)**.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.



Considering the 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 furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Mrs. Priti Kumari, learned Judicial Magistrate, 1st class, Gaya in connection with Mahila P.S. case No.18 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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