

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40889 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- MAHILA PS District- Darbhanga

Anis Fatma Wife Of Md. Nasim Ahmad R/O Village- Muradpur Dullah, P.O.-
Bhikhanpura, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Zeenat Yasmin D/O Late Sher Ahmad R/O Village- Gaura, P.S.- Simri,
District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rashid Rais, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-11-2022 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.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State in the virtual Court proceeding.

The petitioner is apprehending her arrest in a case registered for the offences punishable under Sections 498A,313,323,379,504,506/34 of IPC and 3/4 of Dowry Prohibition Act.

Allegation against the FIR named accused persons including the petitioner is of committing torture upon the victim



due to non-fulfillment of demand of dowry. Further allegation against the petitioner is that she gave her medicine due to which abortion taken place.

Learned counsel for the petitioner submits that the petitioner has clean antecedent. She has falsely been implicated in the present case. Further submits that in fact the petitioner is mother-in-law of the informant and the petitioner has no concern at all with the alleged miscarriage. Further submits that the medical report of the victim suggests that there is no trace of miscarriage after taking medicine as alleged in the FIR and the petitioner has no concern at all with the alleged occurrence.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of her 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Mahila P.S. Case No. 18 of 2022, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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