

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43843 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- MAHILA P.S. District- Purnia

1. Md Shahzad Alam @ Md Shahzad Son of Md. Sharif @ Md. Sarif Resident of Village - Simariya, P.s.- Amour, Distt.- Purnea.
2. Md. Ayaz Alam @ Md. Ayaz Son of Md. Sharif @ Sarif Resident of Village - Simariya, P.s.- Amour, Distt.- Purnea.
3. Faimin @ Bibi Faimani D/o Md. Sharif @ Sarif Resident of Village - Simariya, P.s.- Amour, Distt.- Purnea.
4. Parmina Khatoon @ Bibi Parmina @ Bibi Pramina W/o Md. Ajmal Resident of Village - Simariya, P.s.- Amour, Distt.- Purnea.
5. Md. Sohrab Alam @ Md. Sohrab Son of Md. Sharif @ Md. Sarif Resident of Village - Simariya, P.s.- Amour, Distt.- Purnea.
6. Aamna Khatoon W/o Md. Sharif Resident of Village - Simariya, P.s.- Amour, Distt.- Purnea.
7. Md. Sharif @ Md. Sarif Son of Anwar Ali Resident of Village - Simariya, P.s.- Amour, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-12-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Learned counsel for the petitioners seeks permission to withdraw the application with respect to petitioner nos. 1, 2, 5 and 7.

Permission is accorded.



The application is dismissed as withdrawn with respect to petitioner nos. 1, 2, 5 and 7.

Heard learned counsel for the petitioner nos. 3, 4 and 6 and learned APP for the State.

The petitioner nos. 3, 4 and 6 are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 379, 376, 498A, 506, 34 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act.

As per prosecution case, in short, it is alleged by the informant that her marriage was solemnized with one Md. Mustaq two and half years ago and at the time of marriage, the informant and her family members were not aware that the informant's husband, in the past, had performed five marriages and divorced all due to dowry issue. After one and half years of informant's marriage, a girl child was born and at present a child of five months is there in informant's womb. It is further alleged that the informant's husband and father-in-law started demanding of Rs. 8 lakhs from her. It is further alleged that the informant's father-in-law and brother-in-law ordered the informant's husband that he should tie the hands and legs of the informant in cot and rape her like object and animal so that the informant became forced to give divorce to him.



Learned counsel for the petitioner nos. 3, 4 and 6 submits that the petitioner nos. 3 and 4 carry one more case other than the present one whereas petitioner no. 6 carries two more cases other than the present one and they have been falsely implicated in the present case. Learned counsel for the petitioners submits that the petitioners are family members and in fact the petitioner nos. 3 and 4 are sisters-in-law and petitioner no. 6 is mother-in-law of the informant and the allegation against these petitioners are general and omnibus and there is no specific allegation of any assault or overt act against these petitioners and they have no concern with the alleged occurrence.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner nos. 3, 4 and 6.

Considering the facts and circumstances of the case, let the petitioner nos. 3, 4 and 6, 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 Mahila Thana P.S. Case No. 09 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 nos. 3, 4 and 6 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 petitioner nos. 3, 4 and 6 tamper 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 petitioner nos. 3, 4 and 6 and in case at any stage, it is found that the petitioner nos. 3, 4 and 6 have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner nos. 3,4 and 6. 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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