

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59392 of 2021

Arising Out of PS. Case No.-2 Year-2021 Thana- MAHILA P.S. District- Purnia

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1. NASIRUDDIN @ NASIR @ NASIR AHMAD, Son of Late Jalil.
 2. Safera Khatoon @ Sumera Khatoon, wife of Nasiruddin @ Nasir @ Nasir Ahmad.
Both Resident of Bhakhri Kurselbari, P.S.- Dagarua, District - Purnea

... .. Petitioners

Versus

1. The State of Bihar.
2. Aresa Khatoon, Wife of Md. Alimuddin, D/o - Md. Saidul, R/o - Hachalpur (Ratani), P.S.- Kadwa, Distt.- Katihar

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Md Fazle Karim, Advocate
For the Opposite Party : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 07-04-2022 Heard learned counsel for the parties.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

This application for anticipatory bail arises out of Purnea Mahila P.S. Case No. 2 of 2021 for the offence punishable under Sections 341, 323, 494, 498-A/34 of the Indian Penal Code.

Despite service of notice, no one appears on behalf of opposite party no.2.

Learned counsel for the petitioners submits that the



petitioners are in-laws of the informant and the husband of the informant has been granted anticipatory bail by the Court below after filing of this anticipatory bail application before this Court on the ground that the informant/wife does not want to stay with her husband.

Considering the aforesaid facts, this application is allowed.

Let the petitioners, above named, in the event of their arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Purnea, in connection with Purnea Mahila P.S. Case No. 02 of 202, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

However, at the time of accepting the bail bonds of the petitioners the Court below shall verify the fact of grant of anticipatory bail to the husband of the informant. If it is found that the husband of the informant has been granted anticipatory bail by the Court below then, the bail bonds of the petitioners shall be accepted by the Court below. If it is found that the husband of the informant has not been granted anticipatory bail



by the Court below, in such circumstance, the bail bonds of the petitioners shall not be accepted by the Court below and they shall be taken into custody.

(Sandeep Kumar, J)

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