

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22097 of 2023

Arising Out of PS. Case No.-35 Year-2018 Thana- BABUBARHI District- Madhubani

1. Md. Atikullah Shah @ Md. Atikullah @ Atikullah Sah Son of Habib Sah Resident of Village - Hasanpur, Police Station - Phulparas, District - Madhubani.
2. Bibi Jasina @ Jasina Khatoon W/o Habib Sah Resident of Village - Hasanpur, Police Station - Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rizwana Khatoon @ Rizwan Khatoon Wife of Atikullah Sah Daughter of Md. Ayub Sah, Presently residing at Village - Dudahi, Police Station - Babubarhi, District - Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Babubarhi P.S. Case No. 35 of 2018 registered for the offences punishable under Sections 341, 323, 379 and 498(A) of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioners submits that in compliance of the order dated 23.06.2023, notices were filed in time and as per report, the notice has been received by the informant personally.

4. Learned counsel for the petitioners submits that the



petitioners from the beginning is willing to keep the informant with honour and dignity, it is also submitted that normal wear and tear in life has been exaggerated in the allegation in the FIR. It is further submitted that the informant never intended to stay with the petitioners as such she left after leaving the child behind who is staying with the petitioners and specific pleading in this regard has been made at paragraph '10' of the anticipatory bail application. It is further submitted that informant despite receiving notice chooses not to contest the case.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Babubarhi P.S. Case No. 35 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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