

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27641 of 2023

Arising Out of PS. Case No.-3147 Year-2013 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. NOOR AISHA BEGUM AZIMULLAH SHAIKH @ NOOR AISHA KHATOON Wife of Late Md. Azimullah Resident of Netaji B Hsg Kalyan Wadi Room No. 203, E Wing, Dharavi T. Junction Road, P.S. Dharavi, Mumbai, Maharashtra (400017)
 2. YASHMIN AZIMULLAH SHAIKH @ YASHMIN SHAIKH D/o Late Md. Azimullah Resident of Netaji B Hsg Kalyan Wadi Room No. 203, E Wing, Dharavi T. Junction Road, P.S. Dharavi, Mumbai, Maharashtra (400017)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. RUBY PRAVIN D/o Mohd. Moinulhaq, Wife of Abdul Azij @ Shaikh Azizullah Residing at Advocate Colony, Gandhinagar, Motihari, P.S.- Motihari Town, District-East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

This application is filed for quashing order dated 25.02.2019 passed by Learned Sub-Divisional Judicial Magistrate, Sadar, Motihari, Bihar in connection with Complaint Case No. 3147 of 2013 whereby and where under the learned Court below has taken cognizance against the petitioners and others for offences under Sections 494, 495, 498(A), 379, 420,



120(B), 109 of Indian Penal Code and under Section 3/4 Dowry Prohibition Act and issued non bailable warrant or arrest against the petitioners and other without issuing any summon on 25.02.2019.

By the impugned order, the bail bond of the petitioners has been cancelled on the ground that there were to appear physically as directed by order dated 16.01.2019.

The learned counsel for the petitioners submits that they were not communicated the order dated 16.01.2019 by the advocate. Therefore, the bail bond of the petitioner has been cancelled. Learned counsel further submits that the petitioner will cooperate in the trial in the future.

Considering the aforesaid submission, this application is allowed.

The order dated 25.02.2019 passed by Learned Sub-Divisional Judicial Magistrate, Sadar, Motihari, Bihar in connection with Complaint Case No. 3147 of 2013 with regard to the petitioner is set aside.

The petitioners will furnish fresh bail bonds and will appear regularly either personally or through their lawyers. In case of any further default, the Court below can cancel the bail bond of the petitioners again.



With the aforesaid observation and direction, this application is allowed.

(Sandeep Kumar, J)

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