

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40383 of 2023

Arising Out of PS. Case No.-290 Year-2016 Thana- JOKIHAT District- Araria

1. SAHID Son of Late Ishaque Resident of village - Satbitta Naya Tola, P.S. - Jokihat, Distt. - Araria
2. Naim @ Naimuddin Son of Late Ishaque Resident of village - Satbitta Naya Tola, P.S. - Jokihat, Distt. - Araria
3. Sharif @ Rakib Son of Late Ishaque Resident of village - Satbitta Naya Tola, P.S. - Jokihat, Distt. - Araria
4. Imran Son of Hashibur Rahman @ Hasib Resident of village - Satbitta Naya Tola, P.S. - Jokihat, Distt. - Araria
5. Badura Wife of Late Ishaque Resident of village - Satbitta Naya Tola, P.S. - Jokihat, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekher, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard Mr. Shashank Shekher, learned counsel for the

petitioners and the State.

The petitioners are apprehending their arrest in connection with Jokihat P.S. Case No. 290 of 2016 for the offence under Section 304B/34 of the I.P.C. lodged on 19.09.2016 by the informant, Md. Waris.

As per the prosecution story, the informant's sister was married to Md. Zahid a couple of years ago, but was regularly tortured for dowry and in the year 2016 (18.09.2016),



allegation is that she was killed. Accordingly, the F.I.R.

Learned counsel for the petitioners submit that the husband is in custody since 16.04.2022 (as stated in paragraph 12 of the petition), the present petitioners are the in-laws having nothing to do with alleged unfortunate incident and further, the Police had submitted final form and only on 03.08.2022, the cognizance was taken and as such in a 2016 matter, the necessity to move for anticipatory bail.

Learned APP opposes the prayer.

Taking into account the aforesaid facts that the husband is in custody since 16.04.2022 and all the petitioners are in-laws, the delay is because there was final form submitted by the Police but later, cognizance taken only on 03.08.2022, none of them have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Araria, in connection with Jokihat P.S. Case No. 290 of 2016 subject to the conditions as laid down under Section 438(2) of



the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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