

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48094 of 2023

Arising Out of PS. Case No.-47 Year-2021 Thana- MAHILA PS District- Darbhanga

1. ABDUL SATTAR SON OF MD. SABDUL R/O- EAST 16/44, GALI NO. 2, GULABO WALI GALI, GOVIND GARH, P.S.- PRASAD NAGAR, NEW DELHI
2. NAZIM HUSSAIN SON OF ABDUL SATTAR R/O- EAST 16/44, GALI NO. 2, GULABO WALI GALI, GOVIND GARH, P.S.- PRASAD NAGAR, NEW DELHI
3. AFSANA KHATOON @ AFSANA RAHMAN WIFE OF KHALILUL RAHMAN R/O- EAST 16/44, GALI NO. 2, GULABO WALI GALI, GOVIND GARH, P.S.- PRASAD NAGAR, NEW DELHI
4. SHAHABUDDIN SON OF ABDUL SATTAR R/O- EAST 16/44, GALI NO. 2, GULABO WALI GALI, GOVIND GARH, P.S.- PRASAD NAGAR, NEW DELHI
5. SHAMSHER ALAM @ SHAMSHER SON OF ABDUL SATTAR R/O- EAST 16/44, GALI NO. 2, GULABO WALI GALI, GOVIND GARH, P.S.- PRASAD NAGAR, NEW DELHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Anjum Perveen, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-08-2023 Heard the learned counsel for the petitioners and
learned APP for the State.

This is an application for grant of anticipatory bail
in connection with Mahila P.S. Case No.47 of 2021, registered
for offences under Sections 498(A), 313, 323 and 34 of the IPC.

The allegation is regarding the marriage of the
informant having been solemnized with one Md. Amiruddin on



28.12.2015, as per Muslim Rites and Customs, whereafter she had gone to her matrimonial home, however, she was tortured by the accused persons on account of non-fulfillment of their demand for dowry. It is also alleged that the accused persons had tried to kill her by burning her at New Delhi in the year 2018, but ultimately on account of the intervention of the well wishers, the matrimonial dispute was settled. It is also alleged that thereafter, the accused persons had again started demanding huge sums of money by way of dowry and on 22.03.2021, they had again tried to kill her by burning her at New Delhi, however, since the informant had preconceived about their such plan, she had protested, whereupon the accused persons had assaulted her and thrown her out of her matrimonial home. It is also stated that subsequently, she alongwith her four years old son had gone to her house at Darbhanga from New Delhi, whereupon the accused persons, including the petitioners herein had come to their house on 26.03.21, where she had fed them, however, in the night at about 8:30, the husband and father-in-law of the informant had again pressurized her to fulfill their demand for dowry but upon refusal, they started assaulting her and her father-in-law had kicked in her abdomen, resulting in the informant suffering from bleeding, whereafter she was taken



to the doctor by her father and uncle.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a false and a fabricated case has been concocted and the petitioners, who are the father-in-law, brother-in-laws and sister-in-law of the informant have not engaged in any sort of overt act qua the informant. It is also submitted by referring to the FIR in question that a bare perusal of the same would show that though the informant is stated to have been assaulted on 26.03.2021 and the FIR has been lodged belatedly on 11.05.2021, but the prescription of the doctor attached to the said FIR is dated 15.03.2021, i.e. of a date prior to the alleged occurrence, which further belies the claim and allegations levelled by the informant. It is also submitted that the husband of the petitioner has already been granted the privilege of regular bail by a Co-ordinate Bench of this Court vide dated 24.06.2023, passed in Cr. Misc. No.38488 of 2023, hence no prejudice will be caused to the prosecution, in case the petitioners are granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the materials on record do not suggest any specific overt act qua the petitioners, apart from the fact that even if the allegations levelled by the informant to the effect that the husband and father-in-law of the informant had assaulted her on 26.03.2021, is taken to be true on its face value, the same is belied from a bare perusal of the medical prescription of the doctor , which is dated 15.03.2021, apart from the fact that the main accused i.e. the husband of the informant has already been granted the privilege of regular bail by a Co-ordinate Bench of this Court as aforesaid, hence I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, 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 S.D.J.M., Darbhanga, in connection with Mahila P.S. Case No.47 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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