

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46900 of 2023

Arising Out of PS. Case No.-44 Year-2022 Thana- MAHILA PS District- Khagaria

1. MAIMUN NISHA Wife of Late Navi Rasool Resident of village - Salamat Nagar, P.S.- Katihar, District - Katihar
2. Khushbu Pravin @ Khushboo Khan Daughter of Late Navi Rasool Resident of village - Salamat Nagar, P.S.- Katihar, District - Katihar
3. Nuri Pravin @ Noori Khan Daughter of Late Navi Rasool Resident of village - Salamat Nagar, P.S.- Katihar, District - Katihar
4. Trannum Khatun Wife of Subhan Khan Resident of village - Salamat Nagar, P.S.- Katihar, District - Katihar
5. Subhan Khan @ Raju Son of Late Navi Rasool Resident of village - Salamat Nagar, P.S.- Katihar, District - Katihar
6. Bikki Khan Son of Late Navi Rasool Resident of village - Salamat Nagar, P.S.- Katihar, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir, Adv

For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

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

2. The petitioners are apprehending their arrest in connection with Mahila P.S. Case No. 44 of 2022 (G.R. No. 3151 of 2022), registered for the offence punishable under Sections 498(A)/34 of the Indian Penal Code and 3/4 Dowry Prohibition Act.

3. The prosecution case as emerges from the F.I.R.



is that the marriage of the informant, namely, Nuri Pravin was solemnized with one Kurban Khan, according to Muslim rites and customs about three years ago. After some times, the husband and his family members started torturing her for non-fulfillment of illegal demand of dowry.

4. The learned counsel for the petitioners submits that there is general and omnibus allegation against all in-laws. The petitioners have been made accused only by virtue of their relationship. Even though, they have no concern with the affairs of the informant and her husband. They are having no antecedent .

5. The learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, relationship of the petitioners and the nature of allegations, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, 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 A.C.J.M, 1st Class, Khagaria, in connection with Mahila P.S. Case No. 44 of 2022 (G.R. No. 3151 of 2022), subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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