

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50667 of 2023

Arising Out of PS. Case No.-133 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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1. Israt Bano Wife Of Sarfuddin Sai @ Sarfuddin Khan @ Sarfuddin.
 2. Sarfuddin Sai @ Sarfuddin Khan @ Sarfuddin Son Of Lola Sai @ Mustakin,
both are resident Of Village- Revsa, Ps- Alinagar, Distt- Chandauli, UP

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sahana Khatoon, Wife Of Azim Sai @ Azim Sha @ Azim Sa Resident Of
Village- Revsa, Ps- Alinagar, Distt- Chandauli, Up At Present Address-
Daughter Of Mahboob Sai, Resident Of Village- Chehariyan, Ps- Durgawati,
Distt- Kaimur At Bhabhua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parwej Khan, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-10-2023 Heard learned counsel for the petitioners, learned
counsel for the complainant as well as learned Additional Public
Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Complaint Case No.133 of 2022, complaint
dated 02.09.2022 registered for the offence punishable under
Sections 498(A), 323 & 504 of the Indian Penal Code and
Section $\frac{3}{4}$ of the Dowry Prohibition Act.

3. The prosecution case, in short, is that the
complainant's marriage was solemnized about four years ago,



under the Muslim custom and rituals. At the occasion of marriage her parents and other relative had given Rs. 1 lac and gold chain, ring etc. worth Rs. 80,000/-. Later on she gave birth of two children. Further, after birth of second child, accused persons started demanding Rs.1 lac and forced her to demand from her father, but due to non-fulfillment she along with her children being tortured. On 28.08.2022 father-in-law started quarrel and said to kill her, then mother-in-law poured kerosene oil upon her and husband of complainant started beating her, the complainant intimated to his father on telephone then he along with some witnesses asked about the matter, then accused persons flatly refused to keep complainant, if demand could not be fulfilled. On 30.08.2022 she along with children dropped at near Durgawati Bridge, Chehariyan road, thereafter she along with children came to her house (*maike*) and thereafter went to the police station, where the S.H.O. said to lodged a complaint case.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and have falsely been implicated in the present case merely on the ground that the petitioners are inlaws of the complainant. Further submits that from perusal of the complaint petition it appears that there is no



accusation of any assault or overt act is attributed against the petitioners, rather there is general and omnibus allegation against all the accused persons including the petitioners nor any demand of dowry is attributed against the petitioners.

5. Learned counsel for the complainant as well as learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Mohania, Kaimur at Bhabua in connection with Complaint Case No.133 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient



reason, their bail bonds shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of their anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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