

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48175 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- MAHILA P.S. District- Araria

1. Md. Hashim @ Md. Hashim Ansari, Son of Late Ajij Ansari, Resident of Village - Rampur South, Ward No. 09, P.S.- Forbesganj, District- Araria
2. Md. Firoj @ Md. Firoj Ansari, Son of Late Ajij Ansari, Resident of Village - Rampur South, Ward No. 09, P.S.- Forbesganj, District- Araria
3. Md. Kasim @ Md. Kashim Ansari, Son of Late Ajij Ansari, Resident of Village - Rampur South, Ward No. 09, P.S.- Forbesganj, District- Araria
4. Md. Azad Ansari, Son of Majid Ansari, Resident of Village - Rampur South, Ward No. 09, P.S.- Forbesganj, District- Araria
5. Mehrun Nisha, Wife of Md. Hasim Ansari, Resident of Village - Rampur South, Ward No. 09, P.S.- Forbesganj, District- Araria
6. Gulaksa Khatoon @ Gulokasa Praveen, Wife of Masoom Ansari, Resident of Village - Rampur South, Ward No. 09, P.S.- Forbesganj, District- Araria
7. Nuresha Khatoon, Wife of Mohammad Ansari, Resident of Village - Korhaili, Ward No. 09, P.S.- Forbesganj, District- Araria
8. Mohammad Ansari @ Md. Ansari, Son of Late Majid Ansari, Resident of Village - Korhaili, Ward No. 09, P.S.- Forbesganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Veena Rani Prasad, APP
For the Informant	:	Mr. Md. Naushad Uzzoha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

11 15-02-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in a case registered under sections 341, 323, 504, 506, 354B, 498A, 379 and 34 of the Indian Penal Code.



As per prosecution case, it is stated by the informant that she was married to Md. Mahboob Ansari about 10 -12 years ago. Sometimes later her husband passed away. Thereafter, it is stated that the eight named accused persons who are the petitioners herein started to torture the informant in various manner as has been described in detail in the F.I.R. It is further stated that demand of Rs.5 lacs was made by her father-in-law as also his brothers and on expressing her inability to meet the same, she was physically assaulted. It is further stated that the accused persons made an attempt to commit rape and her clothes were torn.

It is submitted by learned counsel for the petitioners that the petitioners are the father-in-law, mother-in-law, *gotani* (sister-in-law) and cousin brothers of the father-in-law of the informant. The allegations besides being general and omnibus in nature are false and concocted and have been made for oblique reasons. The allegations started once the husband of the informant ie the son of the petitioner nos. 1 and 5 died. By order dated 2.8.2019, while issuing notice to the opposite party no.2/informant, order was passed that no coercive steps shall be taken against the petitioners. There is no allegation of misuse of privilege of interim order passed in favour of the petitioners.



The petitioners undertake to cooperate in the case.

The application for bail is opposed by learned counsel for the informant/opposite party. It is submitted by learned counsel for the informant that not only the petitioners are named in the F.I.R but there is direct allegation of assault and torture against them. In fact the torture continues insofar as the two minor children of the informant have been forcibly kept away by the petitioners and the petitioners are not cooperating in the case filed by the informant in the learned Court below for regaining custody of her children which is Misc. Case no. 88 of 2019 pending in the Court of learned Principal Judge, Family Court, Araria.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the petitioners having been given the benefit of the order that no coercive steps shall be taken against them since the order dated 2.8.2019, there being no allegation of misuse of the privilege of the said order, the court is inclined to enlarge the petitioners on bail. The petitioner above named, in the event of their arrest or surrender in the Court below within a period of six weeks from today in connection with Araria (Mahila) P.S. Case no. 40 of 2019 are directed to be enlarged in bail on each of them furnishing bail



bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Araria.

On inquiry by the Court, the Court is informed that with respect to the case relating to custody of child, Misc. Case no. 88 of 2019 is pending before the learned Principal Judge (Family Court), Araria and both the parties have appeared in the case. It is expected that in view of the nature of the prayer made therein as also the case having remained pending for more than 3 years, the learned Principal Judge, Family Court, Araria shall decide the case at the earliest.

(Partha Sarthy, J)

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