

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55064 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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1. SYED TAFAJJUL @ TAFAJJUL HUSSAIN Son of Late Syed Afzal Hussain RESIDENT OF CHOTI BAZAR, DURUKHI IMAMABARA, AT THE CORNER OF HATHIKHANA LANE, PO JHAUGANJ, PS KHAJEKALAN, DISTRICT PATNA
 2. Shamima Khatoon @ Shamina Bano Wife of Syed Tafajjul @ Tafajjul Hussain RESIDENT OF CHOTI BAZAR, DURUKHI IMAMABARA, AT THE CORNER OF HATHIKHANA LANE, PO JHAUGANJ, PS KHAJEKALAN, DISTRICT PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dilkash Ghazala D/o of Md. Shakil Resident of ward no. 11, Bela, Bhutahi, Sitamarhi, Pin 843317, at present resident of C/o Md. Salim Ansari, Mohalla - Sheikha Ka Roja (Noonka Chauraha) P.O. - Jhauganj, P.S. - Khajekalan, Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kanchan Kumar Singh
For the Opposite Party/s : Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-08-2023 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Complaint Case No. 83 of 2023, disclosing
offences under Sections 420/34 of the Indian Penal Code.

The prosecution case, as per the complaint case, is
that the complainant/opposite party no. 2 has alleged that in the
month of October, 2022, her marriage was fixed with the



accused no. 1. Thereupon, the parents and other family members of the complainant consulted with the accused persons and made arrangements of marriage, in which they incurred expenses of Rs. 11 Lakhs and odd amount on date of marriage i.e. on 24.12.2022 in Hotel Windsor, the accused no. 1, who is son of the petitioners, demanded Rs. 5 Lakhs for purchasing flat, which was paid by the complainant side. The accused no. 1 insisted to print his name as “Syed Sarfaraz” in the marriage card, which was accepted by the complainant side. It has also been alleged that on the date of marriage only five persons from the side of accused no. 1 arrived at the marriage site and after marriage the accused no. 1 and 2 refused to put their signatures on the Nikahnama.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case merely because they happen to be the parents of the accused no. 1-Syed Sarfaraz@Seemab Hussain. He further submits that the petitioners had no knowledge about the marriage, which was fixed by the accused no. 1 with the complainant. He further submits that due to ill behaviour of the accused no. 1 i.e. their son, the petitioners have disowned and severed all relations with their son Seemab Hussain, as would be evident from the public



notice at Annexure-3.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioners are parents of the accused no. 1, who promised to marry the complainant and they have severed all relations with their son prior to the lodging of the complaint case, as would be evident from the Annexure-3, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna City, in connection with Complaint Case No. 83 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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