

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56425 of 2023

Arising Out of PS. Case No.-73 Year-2017 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Tabasum@Tabassum@Tabasum Khatun Wife Of Md. Israil @ Md. Israil @
Mohammad Israil Resident Of Village - Karichak, Ps- Birpur, Distt-
Begusarai At Present Resident Of Village- Mobarkpur, Ward No. 05, Bari
Sanwak (SANKH), Ps- Muffasil, Distt- Begusarai Petitioner/s
Versus

1. The State of Bihar
2. Ruksana Khatoon Wife Of Md. Jahangir Resident Of Village - Manjhaul, Ps-
Cheriya Bariyarpur, Distt- Begusarai
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-10-2023 Heard Mr. Sandip Kumar Gautam, learned counsel
for the petitioner and Mr. Kumar Ranjit Ranjan, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Complaint Case No. 73C of 2017, dated
18.05.2017 for the offences punishable under Sections 341, 323,
408, 379, 498A, 120B of the Indian Penal Code and Section 3/4
of the D.P. Act but the cognizance has been taken only under
Sections 323, 341, 498A/34 of the Indian Penal Code and
Sections 3/4 of the D.P. Act.

3. According to prosecution case, all the accused
persons including the petitioner assaulted the complainant due
to non-fulfillment of demand of dowry.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case merely on the ground that she is the married sister-in-law of the complainant. He further submits that from perusal of the complaint petition, it appears that there is no specific allegation of any assault or overt act or demand of dowry attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the petitioner is married 20 years ago and she is residing in her in-laws house and she has no concern at all with the family affairs of the complainant.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Sub Divisional Judicial Magistrate, Manjhaul in the district of Begusarai in connection with Complaint Case No. 73C of 2017, subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure and with other following conditions:-

i. Petitioner 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

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