

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58553 of 2023

Arising Out of PS. Case No.-310 Year-2022 Thana- HUSSAINGANJ District- Siwan

1. SHEIKH ARSHAD ALI @ SHEIKH IRSAD AHMAD @ SHEIKH ARAD ALI SON OF LATE SHEIKH JAMIL RESIDENT OF VILLAGE- TELHATA P.S- HUSSAINGANJ (M.H. NAGAR), DIST- SIWAN
2. SHEIKH IMDAD SON OF SHEIKH ARSAD ALI @ SHEIKH IRSAD AHMAD RESIDENT OF VILLAGE- TELHATA P.S- HUSSAINGANJ (M.H. NAGAR), DIST- SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Shrivastava, Adv.
For the Opposite Party/s : Mr.Pronoti Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 498(A), 304(B), 34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

3. All the F.I.R. named accused persons including these petitioners, on non-fulfillment of demand of dowry, in furtherance of the common intention are said to have tortured upon the informant's daughter physically and mentally and forced her to commit suicide.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners are father-in-law and husband of the deceased, respectively. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. The deceased died in her *Naihar*. The real fact is that no marriage has been solemnized between the deceased and the petitioner no.2. The deceased was in one sided love with petitioner no.2 and as he was not ready for the marriage, she committed suicide in her own native place. They have no concern with the deceased. It is further submitted that there is compromise between the parties. Petitioner no.1 has one antecedent, whereas petitioner no.2 has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as petitioner no.1 is father-in-law of the deceased and there is no specific overt act against him, let the above named petitioner no.1, be released on bail, in the event of his arrest or



surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Hussainganj (M H Nagar) P.S. Case No. 310 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. As petitioner no.2 is husband of the deceased, I am not inclined to enlarge the petitioner no.2 on bail. The prayer for bail of the petitioner no.2 is hereby rejected.

8. However, if the petitioner no.2 surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that there is compromise between the parties.

9. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

