

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65937 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- PAHARPUR District- East Champaran

1. Wazir Mian S/o Late Islam Mian R/o - Balua Brit Tola, P.S.- Paharpur, Distt- East Champaran.
2. Rukhsana Khatoon W/o Wazir Mian R/o - Balua Brit Tola, P.S.- Paharpur, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-04-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Paharpur P.S. Case No. 135 of 2022 under sections 341, 323, 324, 307, 498(A), 34 of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, Bettiah, West Champaran lodged on 27.4.2022 by the informant namely Mahmad Nejaj Ansari.

The prosecution story read as follows:

The informant namely Mahmad Nejaj Ansari submitted a written report before the Officer-In-charge of Paharpur Police Station alleging therein that he performed his daughter's marriage with the Mahmad Maneer with Muslim



rituals. In the marriage, he gave one CD- Deluxe bike and Rs.50,000/- cash, clothes and ornaments. After marriage, the family members started harassing his daughter mentally & physically due to dowry. As the mediation failed, he took his daughter back to his house. He further alleged that two months ago, Mahmad Maneer took her back assuring that he will keep her well but on 27.04.2022, the informant got information that his daughter was beaten by her family members and also tried to kill his daughter. The informant reached her daughter's house and saw that her daughter was being tortured & beaten by her family members for Rs.50,000/- and they also tried to kill her.

Learned counsel for the petitioners submit that the they are brother-in-law (Jeth) and sister-in-law (Jethani) of the daughter of the informant respectively. Further, the husband has already been granted bail as narrated in para-10 of the present petition.

The further submission is that they live separately from the family and had nothing to do with daily affairs of the couple.

Learned APP submits that the fact has to be ascertained whether the husband is on bail or not.

Taking into account the submission put forward by the



learned counsel for the petitioners that the husband is on bail, a fact which will be verified by the concerned Court and the petitioners are brothers-in-law and sister-in-law of the lady, this Court is inclined to extend them the privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Paharpur P.S. Case No. 135 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Kiran

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