

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64315 of 2022

Arising Out of PS. Case No.-359 Year-2022 Thana- CHHATAUNI District- East Champaran

1. RAHIL KHAN SON OF BABUDIN KHAN R/O VILL.- CHAINPUR DHAKA, P.S.- DHAKA, DISTT.- EAST CHAMPARAN
2. SHAGUFTA KHANAM @ SANIYA KHANAM D/O- BABUDIN KHAN R/O VILL.- CHAINPUR DHAKA, P.S.- DHAKA, DISTT.- EAST CHAMPARAN
3. SHADAB KHAN SON OF BABUDIN KHAN R/O VILL.- CHAINPUR DHAKA, P.S.- DHAKA, DISTT.- EAST CHAMPARAN
4. BABUDIN KHAN SON OF FAZIL KHAN R/O VILL.- CHAINPUR DHAKA, P.S.- DHAKA, DISTT.- EAST CHAMPARAN
5. SHAHINA KHAN @ SHAHINA BEGUM WIFE OF BABUDIN KHAN R/O VILL.- CHAINPUR DHAKA, P.S.- DHAKA, DISTT.- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. HINA KHAN WIFE OF NADIM SAFDAR KHAN, D/O- LATE GAFFAR KHAN R/O VILL.- AZAD BAGH, MATHIYA, NEAR GOLDI PRESS, P.S.- CHHATAUNI, DISTT.- EAST CHAMPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Opposite Party/s : Mr. Braj Kishore Pd.(App)
Mr. Abhishek Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-05-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 498A/34 of the Indian Penal Code.

Allegedly, the petitioners and other accused persons committed cruelty and tortured with the informant due to non-fulfillment of demand for dowry. It is further alleged that the



brother-in-law of the informant used to outrage the modesty of the informant.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners are the in-laws of O.P. No.2. There is no specific overt act against the petitioners. He further submits that the husband of the O.P. No.2 is already in judicial custody. Petitioners have no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail and submits that there is specific allegation against the petitioner no.3 namely, Shadab Khan to outrage the modesty of the informant.

Having regard to the facts and circumstances of the case as there is specific allegation of outraging the modesty of the informant against the petitioner no.3, I am not inclined to enlarge the petitioner no.3 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, as there is no specific overt act against the



petitioner nos.1, 2, 4 and 5, let the above named petitioner nos.1, 2, 4 and 5, be released on bail, in the event of their 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) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Chhatauni P.S. Case No.359 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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