

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65757 of 2022

Arising Out of PS. Case No.-486 Year-2022 Thana- GARDANIBAG District- Patna

1. Dr. Abdulla @ Abdulla Ansari S/O Late Mohammad Yakub R/O Bhabua Ward No 22 (Islam Nagar), P.O and P.S- Bhabua, District- Kaimuir
2. Najma Begum W/O Dr. Abdulla @ Abdulla Ansari R/O Bhabua Ward No 22 (Islam Nagar), P.O and P.S- Bhabua, District- Kaimuir
3. Ikhlak Ansari S/O Late Md. Raza Ansari R/O Village- Tenaut, P.S- Sakaldiha, District- Chandouli, (Uttar Pradesh)
4. Jarina Jahan Khatoon @ Munni W/O Ikhlak Ansari R/O Village- Tenaut, P.S- Sakaldiha, District- Chandouli, (Uttar Pradesh)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-04-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Gardanibag P.S. Case No. 486 of 2022 for the offence under Section 341, 323, 313, 379, 376, 493 and 504 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The prosecution story, in brief, is that the informant Rabiya Ansari, working as Jail constable being a divorcee and having a female child aged about 6 years alleged that her second marriage was fixed with co-accused Dr. Jamir Hasan. She further alleged that the proposed groom had established physical relationship with her since last one year and as she became pregnant thrice the same were forcefully aborted with medicines. She further alleged that even during her illness, he



forcibly made physical relation with her and threatened to make the photographs viral on social media. However, upon request for marriage, the same was denied. It was further alleged that all named accused persons demanded Rs. Ten Lakh and land of her village as dowry for solemnizing marriage. She further alleged that earlier he had taken Rs. three lakh from her. Accordingly, the F.I.R.

It has been contended by the learned counsel for the petitioners that petitioner no. 1 is the father of Dr. Jamir Hasan, Najma Begum, the petitioner no. 2 is the mother, both aged 79 years and 70 years respectively. The petitioner no. 4, Jarina Jahan Khatoon @ Munni (57 years) is his sister and petitioner no. 3 (62 years) is his brother-in-law.

It is his further submission that Dr. Jamir Hasan against whom the lady has alleged of establishing physical relationship and aborting the child was arrested by the police on 13.10.2022 and pursuant to the compromise petition preferred by the lady on 17.10.2022, he came out of judicial custody. This has been narrated in paragraph 19 of the petition.

Learned APP having gone through the petition, submitted that although there are allegations against the petitioners herein, concedes that the main allegation is against



Dr. Jamir Hasan who is now on bail pursuant to the compromise petition preferred by the lady.

Taking into account the fact that all the aforesaid petitioners are aged, petitioner no. 1 and 2 are more than 70 years of age while petitioner no. 3 and 4, as per the content of the petition are resident of Uttar Pradesh and the accused Jamir Hasan against whom there is specific allegation has already been extended the relief pursuant to the compromise petition, in the considered view of this Court, these petitioners are also entitled for the relief.

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 Judicial Magistrate, 1st Class, Patna in connection with Gardanibag P.S. Case No. 486 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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