

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70947 of 2023**

Arising Out of PS. Case No.-245 Year-2023 Thana- SONBERSA District-
Sitamarhi

- =====
1. SAIFUL KHATOON @ SUKAIL KHATOON WIFE OF LATE SAKUR ANSARI
R/O VILLAGE- LAKSHMIPUR, P.S.- SONBARSA, DISTRICT- SITAMARHI
 2. YUNUS ANSARI SON OF LATE SAKUR ANSARI R/O VILLAGE-
LAKSHMIPUR, P.S.- SONBARSA, DISTRICT- SITAMARHI
 3. JAKIR ANSARI SON OF LATE SAKUR ANSARI R/O VILLAGE-
LAKSHMIPUR, P.S.- SONBARSA, DISTRICT- SITAMARHI
 4. GULAM MUSTAFA SON OF LATE SAKUR ANSARI R/O VILLAGE-
LAKSHMIPUR, P.S.- SONBARSA, DISTRICT- SITAMARHI
 5. LAJO KHATOON @ TAJO KHATOON WIFE OF YUNUS ANSARI R/O
VILLAGE- LAKSHMIPUR, P.S.- SONBARSA, DISTRICT- SITAMARHI
 6. MARJINA KHATOON WIFE OF JAKIR ANSARI R/O VILLAGE-
LAKSHMIPUR, P.S.- SONBARSA, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar
For the Opposite Party/s : Mr.Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023

Heard Mr. Uday Kumar, learned counsel for the
petitioners and Mr. Pronoti Singh, learned A.P.P. for the State.

The petitioners apprehend their arrest in
connection with Sonbarsa P.S. Case No. 245 of 2023 dated
08.08.2023 registered for the offence under Sections 341,
323, 504, 506, 494, 498A, 379 and 34 of the Indian Penal
Code.



The informant is alleged to have been subjected to assault and torture on account on non-fulfillment of demand of dowry by the petitioners.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case merely on the ground that the petitioners happen to be in laws of the informant. He further submits that from perusal of the F.I.R, it appears that no specific allegation of assault or any overt act is attributed to the petitioners rather general and omnibus allegation is leveled against them. They have never demanded any dowry nor they have assaulted the informant in any manner. He further submits that petitioner No. 1 happen to be mother-in-law, petitioner No.2 and 3 are the elder brother-in-law, petitioner No.4 is the younger brother -in -law and petitioner Nos. 5 and 6 are stated to be sister-in-law of the informant and they are living separately.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case and the fact that the petitioners are in laws of the informant and they are having clean antecedent as well as no specific



allegation of demand of dowry is attributed to them, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sitamarhi in connection with Sonbarsa P.S. Case No. 245 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed



their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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