

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72970 of 2022

Arising Out of PS. Case No.-93 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. MD. PARBEJ @ PABEJ Son of Md. Mahmood Resident of Village- Purbi Gharari, P.S.- Kharik, District- Bhagalpur
 2. MD. SAHEB @ MD. SUHEB ALAM @ MD. SORAB ALAM @ MD. SAHEB ALAM Son of Md. Mahmood Resident of Village- Purbi Gharari, P.S.- Kharik, District- Bhagalpur
 3. MD. MAHMOOD @ MAHMOOD Son of Md. Habbi Resident of Village- Purbi Gharari, P.S.- Kharik, District- Bhagalpur
 4. KESHWARI KHATOON Wife of Md. Mahmood Resident of Village- Purbi Gharari, P.S.- Kharik, District- Bhagalpur
 5. MD. IJHAR Son of Md. Abbas Resident of Village- Purbi Gharari, P.S.- Kharik, District- Bhagalpur
 6. MD. NISSHO @ MD. NISAR Son Md. Abbas Resident of Village- Purbi Gharari, P.S.- Kharik, District- Bhagalpur
 7. MD. KARE @ KARUMUDDIN Son of Md. Abbas Resident of Village- Purbi Gharari, P.S.- Kharik, District- Bhagalpur
 8. MD. DAWOOD Son of Md. Sabul Resident of Village- Purbi Gharari, P.S.- Kharik, District- Bhagalpur
 9. JAHA GARA KHATUN @ JAHA AARA @ MAHARA Wife of Md. Zahid (in Complaint petition Husband's name wrongly appear as Md. Lalku, whereas correct name is Md. Zawed), Resident of Village- Purbi Gharari, P.S.- Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Julee Khatun Wife of Md. Sahwaz, D/O Md. Jasim Resident of Village- Purbi Gharari, P.S.- Kharik, District- Bhagalpur, presently residing at Village- Purbi Gharari, (Telghi Tola), P.S.- Kharik, District- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Adv.
For the Opposite Party/s : Mr.Anil Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.



The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 323, 504, 307, 498A, 406/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegedly, petitioners are said to have tortured upon the complainant physically and mentally.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. Petitioners are in-laws of the complainant. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that earlier, on 10.02.2022, the husband of the complainant had filed a case against the family members of the complainant. Thereafter, the present case has been filed by the complainant. He further submits that the husband of the complainant has been in judicial custody since 01.09.2022 and now he has been enlarged on bail by the Co-ordinate Bench of this Court. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.



Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioners, let the above named petitioners, 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 lower Court where the case is pending/successor Court in connection with Complaint Case No.93 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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