

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75893 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- MAHILA P.S. District- Sheikhpura

1. Sikandar @ S.M. Sikandar
2. Gyasuddin @ S.K. Md. Gyasuddin
Both Sons Of Md. Salauddin
3. Tahira Khatoon @ Tahera Bibi Wife Of Md. Salauddin
All Resident Of Village- Kalla Colony, Asansol Po And Ps- Asansol, Dist-
Varadaman (W.B.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Kumar, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr.Yogesh Kumar, learned counsel for the
petitioners and Mr.Rabindra Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Sheikhpura (Mahila) P.S.Case No.42 of 2023,
FIR dated 18.08.2023 registered for the offences punishable
under Sections 498(A),341,323,504,506,34 of IPC and Section
3/4 of D.P.Act.

3. Allegation against the petitioners and other co-
accused persons is of committing torture upon the victim due to
non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and petitioner Nos.1 and 2 are brother-in-law of the informant and petitioner No.3 is mother-in-law of the informant and they are living separately from the family members of the informant and they have no concern with the family affairs of the informant.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Sub Divisional Judicial Magistrate, Sheikhpura in connection with Sheikhpura



(Mahila) P.S.Case No.42 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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 bonds shall be cancelled by the Court below.

(II) 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.

(III) 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 antecedents, 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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