

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78459 of 2023**

Arising Out of PS. Case No.-1414 Year-2021 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. KISMAT KHATOON W/O SHAMSAD MIYA VILLAGE- LALGANJ, PS. MAIRWA, DIST. SIWAN.
 2. SAZID ALI S/O SHAMSAD MIYA VILLAGE- LALGANJ, PS. MAIRWA, DIST. SIWAN.
 3. REKHA KHATOON D/O SHAMSAD MIYA VILLAGE- LALGANJ, PS. MAIRWA, DIST. SIWAN.
 4. SHAMA KHATOON D/O SHAMSAD MIYA VILLAGE- LALGANJ, PS. MAIRWA, DIST. SIWAN.

... .. Petitioner/s

Versus

1. The State of Bihar
2. MAMTA KHATOON W/O WAHID ALI, D/O AZADI MIYAN AT PRESENT R/O VILLAGE- SIPAYA KHAS, POST AND PS. BISHAMBHARPUR, DIST. GOPALGANJ.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Shweta, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2023 Heard Mrs. Shweta, learned Counsel for the

petitioners and Mr. Suresh Prasad Singh, learned APP for the

State.

2. The petitioners apprehend their arrest in connection
with Complaint Case No. 1414 of 2021, Trial No. 1971 of 2023
for the offence registered under section 498A of the Indian



Penal Code and section 3/4 of the Dowry Prohibition Act lodged on 09.09.2021 by the informant Mamta Khatoon.

3. As per the prosecution story, the opposite party has alleged that her *Nikah* took place with the Wahid Ali in the year 2017 and the couple is also blessed with a son. However, she was regularly tortured for dowry and left with no option, this complaint petition.

4. Learned Counsel for the petitioners submit that while petitioner no. 1 is the mother-in-law, petitioner nos. 3 and 4 are married sisters-in-law while petitioner no. 2 is brother-in-law (*devar*) and have no role to play in the matter and will living separately from the couple. Further, the lady being married to Wahid Ali, it was his responsibility to take care of her.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that allegation of torturing the lady is also on these accuseds.

6. Though there is some accusation against these petitioners, fact remains that three of them are ladies, one is the brother-in-law, Wahid Ali being responsible for the sufferings that the lady has made, this Court is inclined to extend them privilege of anticipatory bail.



7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Gopalganj in connection with Complaint Case No. 1414 of 2021, Trial No. 1971 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



8. With the aforesaid observations, the anticipatory
bail application stands allowed.

(Rajiv Roy, J)

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