

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3391 of 2023

Arising Out of PS. Case No.-5 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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1. MD KAMRUL SON OF MD SULEMAN R/O VILL./MOHALLA-MADILMAN, P.S.- JALLEY, DISTT.- DARBHANGA
 2. ZARINA KHATOON WIFE OF MD KAMRUL R/O VILL./MOHALLA-MADILMAN, P.S.- JALLEY, DISTT.- DARBHANGA
 3. MD NIRALE SON OF MD KAMRUL R/O VILL./MOHALLA-MADILMAN, P.S.- JALLEY, DISTT.- DARBHANGA
 4. RABINA KHATOON WIFE OF MD SOHAIL R/O VILL.- CHOTI MOHLI, P.S.- JALLEY, DISTT.- DARBHANGA
 5. MD SOHAIL SON OF MD JAASIM R/O VILL.- CHOTI MOHLI, P.S.- JALLEY, DISTT.- DARBHANGA

... .. Petitioner/s

Versus

1. The State of Bihar
2. SAISTA PARVEEN @ NIRALI BEGAM D/O MD HAIDAR ALI R/O VILL.- KAKARGHATTI, P.S.- SADAR, DISTT.- DARBHANGA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha, Adv.
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-05-2023 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 341, 323, 324, 308, 504, 506, 34 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

Allegedly, petitioners are said to have tortured upon the informant physically and mentally over the dowry demand.



They also ousted her from her matrimonial home.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners are in-laws of the informant. 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. Petitioners have no concern with daily affairs of the informant and her husband. It is further submitted that during the course of investigation, the police has submitted charge sheet under Section 341, 323, 324, 498A, 504/34 of the Indian Penal Code against the petitioners. He further submits that the petitioners are enjoying the benefit of 41 A of the Cr.P.C. 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 Sadar P.S. Case No. 5 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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