

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5043 of 2024

Arising Out of PS. Case No.-228 Year-2023 Thana- BISFI District- Madhubani

1. MD. OBAID S/O LATE ENUL HAQ R/O VILLAGE- KATHAILA, P.S- BISFI, DISTT.- MADHUBANI.
2. MAHJABI PRAWEEEN @ MEHJABI W/O MD. ARMAN R/O VILLAGE- KATHAILA, P.S- BISFI, DISTT.- MADHUBANI.
3. KADRE BANO W/O MD. OBAID R/O VILLAGE- KATHAILA, P.S- BISFI, DISTT.- MADHUBANI.
4. SAKILA KHATOON @ GURIYA W/O MD. TABREZ R/O VILLAGE- KATHAILA, P.S- BISFI, DISTT.- MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-02-2024 Heard Mr. Ravi Ranjan, learned Counsel for the
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bisfi (Patauna) P.S. Case No. 228 of 2023 for the offence registered under sections 302, 304(B) and 34 of the Indian Penal Code lodged on 25.06.2023 by the informant Md. Sakir.

3. As per the prosecution story, the informant alleged that his maternal grand daughter was married to Md. Adam but was tortured for dowry and subsequently, they got news about her death. Accordingly, the FIR.



4. Learned Counsel for the petitioners submit that they are family members, nothing to do with the couple, the couple used to reside in Delhi and even the marriage was solemnized there which clearly shows that they had nothing to do with them.

5. The further submission is that the husband went into custody and subsequently released on bail by a co-ordinate bench of this Court in Cr. Misc. No. 5795 of 2024 on 17.02.2024.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

7. Taking into account the aforesaid facts as also that they are family members, the husband is out of jail and they do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

8. 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 Additional Chief Judicial Magistrate I Benipatti, Madhubani in connection with Bisfi (Patauna) P.S. Case No. 228 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 petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners 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 their bail bonds;

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

(Rajiv Roy, J)

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