

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6448 of 2024

Arising Out of PS. Case No.-247 Year-2023 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. Nasima Khatoon Wife Of Md. Nashir Resident Of Village- Parsa, Ps- Bela, Distt- Sitamarhi
 2. Md. Akbar @ Akbar Son Of Md. Nashir Resident Of Village- Parsa, Ps- Bela, Distt- Sitamarhi
 3. Md. Asalam @ Aslam Son Of Md. Nashir Resident Of Village- Parsa, Ps- Bela, Distt- Sitamarhi
 4. Nasrin Khatoon Wife Of Md. Asalam Resident Of Village- Parsa, Ps- Bela, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhubala Verma, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2024 Heard Ld. counsel for the Petitioners and Ld. APP
for the State.

2. The Petitioners apprehend their arrest, in connection with CI-247 of 2023, registered for the offences punishable under Sections 323, 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The prosecution case in short is that as per the complaint filed on behalf of of the complainant against the Petitioners and other co-accused alleging therein that the marriage of the complainant was solemnized with the accused Md. Asagar in the year 2022 as per Muslim rites and customs and thereafter she was being subjected to cruelty by the



Petitioners and other co-accused for non-fulfillment of demand of dowry and ultimately, on 13.03.2023 she was ousted from her matrimonial home after being assaulted.

4. Ld. counsel for the Petitioners submits that the Petitioners are other than the husband and they are innocent and have been falsely implicated in this case. He refers to the statement of the complainant as made to the Court before the cognizance in which she has clearly stated that she has filed the complaint for her share in the landed property as the landed property is still in the name of her mother-in-law and not the name of her husband and if she gets the property in the name of her husband, she is ready to compromise the matter. She has also not given any information regarding the assault to the police.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

7. Considering the aforesaid facts and circumstances, this application is allowed, directing the Petitioners, above-named, to be enlarged on bail in the event of their arrest or



surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. S.D.J.M., Sadar, Sitamarhi, in connection CI-247 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the Petitioners have given wrong statement regarding his criminal antecedents, Ld. court below shall cancel the bail bond of the Petitioners after hearing them and getting satisfied that the Petitioners have concealed their criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the Petitioners.

8. Ld. counsel for the Petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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