

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12241 of 2024

Arising Out of PS. Case No.-392 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Md. Amanullah S/O Teyav Ali @ Late Md. Taiyab, R/O Village- Ghorbanki, PS- Basopatti, Distt.- Madhubani.
 2. Nagina Khatun @ Nagina Praveen W/O Md. Amanullah, R/O Village- Ghorbanki, PS- Basopatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Musarat Praveen W/O Md. Irshad, Village- Ghorbanki, PS- Basopatti, Dist.- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kr. Yadav, Advocate
For the Opposite Party/s :		Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Gagandeo Yadav, the learned counsel for the petitioners and Mr. Manoj Kumar, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with C.R. No. 392 of 2022, dated 28.09.2022, registered for the offences punishable under Sections 341, 323, 379, 354(B), 324, 498(A) of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act, but the learned Court has taken cognizance under Section 323, 498(A), 504 and 506 of the Indian Penal Code.



3. According to prosecution case, the Opposite party No. 2 was abused and assaulted by her in-laws because of non-fulfillment of dowry demand. It is further alleged that the in-laws of the Opposite Party No. 2 also tried to kill her but they did not succeed in doing so and later she was ousted from her *sasural*.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case mainly on the ground that the petitioners are father-in-law and mother-in-law of the complainant. He further submits that upon perusal of the complaint petition, it appears that there is no specific allegation of demand of dowry or assault attributed against the petitioners, rather there is general and omnibus allegation against all the accused persons including the petitioners and petitioners are not living with the family members of the complainant.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and they are not living with the family members of the complainant, let the petitioners, above-named, in the event of their arrest or



surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Benipatti, Madhubani, where the case is pending in connection with **C.R. No. 392 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 bond 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 antecedent, 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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