

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18523 of 2024

Arising Out of PS. Case No.-26 Year-2023 Thana- MAHILA P.S. District- Vaishali

1. Mohammad Alam Son Of Mohammad Ramsuddin Resident Of Vill.-Sondho Guljarbag, P.S.-Goraul, Distt.-Vaishali
2. Akhatari Khatoon Wife Of Mohammad Alam Resident Of Vill.-Sondho Guljarbag, P.S.-Goraul, Distt.-Vaishali
3. Mohammad Asgar @ Asgar Son Of Mohammad Alam Resident Of Vill.-Sondho Guljarbag, P.S.-Goraul, Distt.-Vaishali
4. Mohammad Akbar Son Of Mohammad Alam Resident Of Vill.-Sondho Guljarbag, P.S.-Goraul, Distt.-Vaishali
5. Mohammad Aslam Son Of Mohammad Alam Resident Of Vill.-Sondho Guljarbag, P.S.-Goraul, Distt.-Vaishali
6. Mohammad Jabbar @ Jabbar Miyan Son Of Mohammad Hatim Miyan Resident Of Vill.-Sondho Guljarbag, P.S.-Goraul, Distt.-Vaishali
7. Munni Khatoon @ Shahnaz Khatoon D/O Mohammad Alam Resident Of Vill.-Sondho Guljarbag, P.S.-Goraul, Distt.-Vaishali
8. Fuljaha Khatoon @ Fuljahan Khatoon D/O Mohammad Alam Resident Of Vill.-Sondho Guljarbag, P.S.-Goraul, Distt.-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Muskan Khatoon Wife of Md. Akram Resident of vill.-Sondho Guljarbag, P.S.-Goraul, Distt.-Vaishali. At present Village and Post and P.S.-Tisiauta, Dist.-Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Vijay Kumar, learned counsel for the

petitioners and Mr. Uma Shankar Prasad Singh, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Vaishali Mahila P.S. Case No. 26 of 2023, F.I.R.
dated 08.09.2023 for the offences punishable under Sections 341,



323, 324, 498A, 504, 506 and 34 of the Indian Penal Code and Sections 3 & 4 of the D.P. Act.

3. According to prosecution case, due to non-fulfillment of the demand of dowry, the petitioners are said to have assaulted the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that the petitioners are in laws of the informant. He further submits that from a bare perusal of the FIR it appears that there is no specific overt act of any assault or overt act rather there is general and omnibus allegation against all the accused persons including these petitioners.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, the petitioners having clean antecedent and there is no specific allegation of any assault or overt act or demand of dowry rather there is general and omnibus allegation against these petitioners, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds 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., Vaishali in connection with Vaishali Mahila P.S. Case No. 26 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 his absence on two consecutive dates without sufficient reason, his 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 bonds 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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