

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24021 of 2024

Arising Out of PS. Case No.-297 Year-2023 Thana- NAUHATTA District- Saharsa

1. Md. Akbar @ Md. Akbar Ali S/o Late Saini Mian Resident of village Chandrayan ward no 13 police station nauhatta district saharsa
2. Halima Khatoon @ Haliya Khatoon W/o Md. Akbar Resident of village Chandrayan ward no 13 police station nauhatta district saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 23-07-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304B, 201 and 34 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act.
3. Learned counsel for the petitioners submits that by order dated 24-4-2024, the case diary was called for, but the same till date has not been received.
4. The Court will not wait endlessly for the case diary.
5. Learned counsel for the petitioners submits that petitioners, being father-in-law and mother-in-law of the



deceased, have been falsely implicated in the instant case by the informant, who is mother of the deceased. It is further submitted that from perusal of allegation as alleged in the FIR, it would manifest that the husband of the deceased has not been made an accused rather the entire family members of petitioner No. 1 have been implicated in the instant case which amply demonstrates that the instant FIR has been instituted for some ulterior reason or at the behest of the husband of the deceased in order to settle score with his family members as his father, mother, sister and brother-in-law have been implicated. It is further submitted that from perusal of allegation as alleged in the FIR, it would also manifest that the informant herself has alleged that her daughter was married to the son of petitioner No. 1, Md Sagir, about seven years ago. It is next submitted that in these seven years, no case ever came to be instituted either by the deceased or the informant alleging about demand of dowry or torture being inflicted by the petitioners. It is also submitted that out of wedlock, three children were born, who were taken by the informant. It is further submitted that petitioners will not abscond rather will cooperate in the investigation.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nauhatta (Saharsa) P.S. Case No. 297 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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