

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30486 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- SOHSARAI District- Nalanda

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1. Md. Kausar @ Md. Kaisar Son Of Late Md. Qamruddin Resident Of Village- Mahua Tola, Ps- Sohsarai, Dist- Nalanda
 2. Rukhsana Parween Wife Of Md. Kausar Resident Of Village- Mahua Tola, Ps- Sohsarai, Dist- Nalanda
 3. Gulsan Parween Wife Of Md. Alam Resident Of Village- Mahua Tola, Ps- Sohsarai, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rashmi Jha, Advocate
For the Opposite Party/s	:	Mr.Khurshid Anwar, APP
For the Informant	:	Mr. Premchandra Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-11-2024 Heard learned counsel for the petitioners, the informant and learned APP for the State.

2. The petitioners, in the present case, are the brother-in-law, his wife and wife of one of his brother-in-law respectively who are seeking pre-arrest bail in connection with Sohsarai P.S. Case No.27 of 2023 registered for the offences punishable under Sections 498A and 304B/34 of the Indian Penal Code. The petitioners have got no criminal antecedent.

3. Learned counsel for the petitioners submits that in the First Information Report the specific allegation of demand of dowry has been made against the husband of the deceased

who has already been arrested and faced the trial in which he has been convicted. It is submitted that this Court while considering the plea of Md.Taufeek Alam, who happened to be the devar of the deceased, has taken of the materials on the record and granted him privilege of pre-arrest bail. It is submitted that these petitioners are the in-laws who are living separately in mess and business and they had never indulged in demand of dowry.

4. Learned A.P.P. for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioners but considering the allegations in the FIR wherein it is specifically stated that the demand of finger ring and chain was being made by the son-in-law, there being only general and omnibus allegations against these petitioners who are kith and kin of the husband of the deceased and their case would be standing on similar footing with Md. Taufeek Alam, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Biharsharif at Nalanda in

connection with Sohsarai P.S. Case No. 27 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

5. 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.

6. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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