

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30724 of 2024

Arising Out of PS. Case No.-36 Year-2023 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. Md. Ahsan S/o- Nijamuddin @ Md. Nejamuddin Village- Puraini W.No-9, Ps- Srinagar Dist- Madhepura
 2. Md. Hassam @ Md. Hasam son of Nijamuddin @ Md. Jejamuddin Village- Puraini W.No-9, Ps- Srinagar Dist- Madhepura
 3. Bibi Quamrun wife of Md. Hassam @ Md. Ahsan Village- Puraini W.No-9, Ps- Srinagar Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gajia Hamdani @ Chaniya wife of Md. Manzoor, D/o- Md. Ekramul Village- Puraini Ps- Shrinagar Dist- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisuz zoha, Advocate
For the State	:	Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 21-05-2024 Heard Ld. counsel for the petitioners and

Ld. APP for the State.

2. The petitioners apprehend their arrest in connection with Complaint Case No. 36 of 2023 dated 19.01.2023, registered for the offences punishable under Section 498A/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

3. As per the prosecution case, there is allegation of demand of dowry of Rs.1,00,000/- and a motorcycle against the accused persons and on account of non-fulfillment of the said demand, the petitioner along with other co-accused persons



started assaulting and torturing her.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that petitioners are other than husband and the allegation against them is general and omnibus in nature and there is no allegation of any physical violence.

5. It has also been stated in paragraph no.3 of the bail petition that the petitioners have no criminal antecedent.

6. It is also stated in paragraph no. 2 of the petition that petitioner has never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioners for anticipatory bail.

8. Considering the aforesaid facts and circumstances of the case, this application is allowed, directing the petitioners above named, to be enlarged on bail in the event of their arrest or surrender before Ld. trial court 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) each with two sureties of the like amount each to the satisfaction of Ld. S.D.J.M., Madhepura, in connection with Complaint Case No. 36 of 2023, subject to the conditions as laid



down under Section 438(2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of Ld. trial court that the petitioners have any criminal antecedent, Ld. trial court shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

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

(Jitendra Kumar, J.)

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