

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48226 of 2024

Arising Out of PS. Case No.-59 Year-2023 Thana- MAHILA PS District- Jamui

Shaukat Ali @ Md. Shaukat Ali @ Saukat Miya son of Usman Miyan
Resident of Village- Hathiya Pathar PS- Khaira District- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sakina Khatoon wife of Shaukat Ali @ Md. Shaukat Ali @ Saukat Miya
Resident of Village- Hathiya Pathar PS- Khaira District- Jamui A/P-
daughter of Raushan Ali Village- Milnitand PS- Garhi Dist- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Advocate
For the State	:	Mr. Khurshid Anwar, APP
For the Informant	:	Mr. Prabhat Ranjan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-08-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Jamui Mahila P.S. Case no.59 of 2023 registered for the offence punishable under sections 498A, 494, 506 and 34 of the Indian Penal Code and under sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the informant states that she was married to the petitioner in the year 2016 as per Muslim rites and customs. Her father gave gifts etc. beyond his capacity. The petitioner herein started to torture her asking her to get Rs.5 lacs from her parents and on non-fulfillment of the



demand, it is stated that the five named accused persons including the petitioner herein started to assault and physically and mentally torture her. They also made an attempt to poison her and finally forced her out of the house. It is further stated that the petitioner entered into a second marriage on 10.7.2023 and the informant is finding it difficult to maintain herself and her daughter.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The allegations, besides being false and concocted, are general and omnibus in nature. No maintenance case has been filed by the informant. The petitioner has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that besides there being direct and specific allegation against the petitioner who happens to be the husband of the informant, the informant was physically and mentally tortured and even attempted to be poisoned. She was forced out of the house along with her daughter. The petitioner has entered into a second marriage on 10.7.2023.

6. Having heard learned counsel for the parties and



taking into consideration the nature of allegation against the petitioner in the FIR, the allegations being general and omnibus in nature and the petitioner not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Jamui Mahila P.S. Case no.59 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Jamui, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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