

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42839 of 2024

Arising Out of PS. Case No.-1197 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. MD. SHAMSHAD SON OF MD. ANWAR HUSSAIN @ MD. ANWAR MIYAN @ MD. ANWAR
 2. NEHA KHATOON @ GUDIYA D/O- MD. ANWAR HUSSAIN @ MD. ANWAR MIYAN @ MD. ANWAR
 3. MD. ASGAR ALI @ ASGAR SON OF LATE MD. NABI JAN
 4. MD. ANWAR HUSSAIN @ MD. ANWAR MIYAN @ MD. ANWAR SON OF LATE MD. NABI JAN
ALL RESIDENT OF VILLAGE- KUSHAHAR MATHIYA, P.S.- KESARIYA, DISTT.- MOTIHARI (EAST CHAMPARAN)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MD. HUSSAIN SON OF ABDUL RAJAK RESIDENT OF VILLAGE- KUDANAGAR, WARD NO. 13, P.S.- CHHATAUNI, DIST.- MOTIHARI, EAST CHAMPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rananjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-07-2024

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for bail apprehending their arrest in connection with Complaint Case no.1197 of 2023 registered for the offence punishable under sections 379, 406, 323, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the complainant states that the marriage of his son was fixed to the petitioner



no.2. As a result of the same, the ring ceremony took place and the complainant spent a good amount of money in arranging of the same. However, subsequently the petitioner no.2 withdrew her consent from the marriage and on the complainant going to the petitioners and asking for return of the gold ornaments given, he was abused and assaulted.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. The same would be evident from the petition of complaint filed by the petitioner no.1 against the complainant of the instant case and others on 29.8.2022 itself. It is in retaliation thereto and to set up a defence for themselves that the instant complaint has been filed on 15.5.2023 falsely implicating the petitioners. The petitioners have no criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the complaint, the submissions made by learned counsel for the petitioners, the complaint filed by the petitioner no.1 being much prior to the complaint in which the application for bail is being moved and the petitioners not having any criminal antecedent, it is directed that the petitioners, above named, in



the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no.1197 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

Saurabh/-

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