

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48512 of 2024

Arising Out of PS. Case No.-2578 Year-2022 Thana- VAISALI COMPLAINT CASE
District- Vaishali

-
1. MD. RAJJAK SON OF MD. CHHAKAN
 2. JAMILA KHAATON W/O- MD. RAJJAK
 3. MD. ESTEYAK SON OF MD. RAJJAK
ALL RESIDENTS OF VILLAGE- MAJIA, PO- BAKSHAMA, P.S.-
GORAUL, DISTRICT -VAISHALI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. ISRAT JAHAN WIFE OF LATE MUSTAK ALAM R/O VILLAGE-
DHARAMPUR JARANG, P.O.- JARANG RAMPUR, P.O.- BELSAR,
DISTT.- VAISHALI

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Surendra Prasad Singh, Advocate
For the Opposite Party/s :	Mr. Lakshmi Kant Sharma, APP
	Mr. Surbhi Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 08-08-2024

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.2578 of 2022 registered for the offence punishable under sections 498A and 323 of the Indian Penal Code.

3. As per the prosecution case, the complainant states that she was married to the son of petitioner nos.1 and 2 herein in the year 2012 and unfortunately her husband died in the year 2017. It is stated that soon thereafter the accused persons



including the petitioners herein started to torture her and finally on 6.6.2022, an attempt was made to burn her to death by pouring kerosene oil. She was also assaulted. Somehow the complainant was saved and since then she has been living with her father at her parents' place. Hence the instant complaint.

4. Learned counsel for the petitioners submits that the petitioners, who are the father-in-law, mother-in-law and brother-in-law (husband's brother) of the complainant, have been falsely implicated in the case over trivial family/property dispute. The statement of the complainant and others were recorded in course of enquiry and by order dated 7.7.2023, cognizance has been taken under sections 498A and 323 of the Indian Penal Code. Besides the allegations being general and omnibus in nature, there is an inordinate delay in lodging of the complaint in so far as for an alleged occurrence said to have taken place on 6.6.2022, the complaint was filed only on 11.8.2022. The petitioners have no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the complainant. It is submitted by learned counsel for the complainant that not only the petitioners are named in the FIR but there is direct allegation against them in the complaint.



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 together with the petitioners not having any criminal antecedent, it is directed that the three 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.2578 of 2022 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 Judicial Magistrate 1st Class, Vaishali at Hajipur, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

