

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50754 of 2024

Arising Out of PS. Case No.-54 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. SERAJUDDIN ANSARI @ SIRAJUDDIN ANSARI S/O LATE MUNSHI MIYAN R/O Village- Kodhar, P.S- Tilauthu, District- Rohtas
 2. ASAMA BIBI @ ASMA BIBI W/O SERAJUDDIN ANSARI @ SIRAJUDDIN ANSARI R/O Village- Kodhar, P.S- Tilauthu, District- Rohtas

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. AFSANA KHATUN W/O GOSUL ANSARI R/O VILLAGE- KODHAR, P.O- CHANDANPURA, P.S- TILAUTHU, DIST.- ROHTAS, AT PRESENT DAUGHTER OF SALIM ANSARI R/O VILLAGE- NIMAHAT, P.O- CHUNHATTA, P.S- NAUHATTA, DIST.- ROHTAS (BIHAR).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashwani Kumar Tiwary, Advocate

For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Complaint Case No. 54 of 2023 instituted under Section 498(A) of the Indian Penal Code filed by the complainant, Afsana Khatun.

3. As per the complaint, the complainant alleged that she got married to Gosul Ansari in the year 2020 but was always tortured for dowry and unable to bear the atrocities, the case.

4. Learned counsel for the petitioners submit that they are parents, having no relationship with the couple, living



separately, in any case, the allegation is mainly against the husband.

5. Learned APP opposes the prayer stating that the complainant has made allegation against the couple also.

6. Though, there is some allegation, fact remains, they are elderly parents, onus lies on the husband having solemnized marriage with the complainant, these couple have no criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Complaint Case No. 54 of 2023 to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dehri, Rohtas subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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