

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55291 of 2024

Arising Out of PS. Case No.-57 Year-2015 Thana- POTHIA District- Kishanganj

1. KHATIZA KHATOON WIFE OF LATE FASIUDDIN @ FAIJUDDIN (MOTHER-IN-LAW) RESIDENT OF VILLAGE - KOLTHA, SITAJHARI, P.S. - PAHARKATTA, DISTRICT - KISHANGANJ
2. JUMADAN @ JUMATAN @ JUMOTAN BEGUM DAUGHTER OF LATE FASIUDDIN, WIFE OF NAUSHAD ALAM (NANAD) RESIDENT OF VILLAGE - KOLTHA, SITAJHARI, P.S. - PAHARKATTA, DISTRICT - KISHANGANJ
3. AASHMA KHATOON WIFE OF ABID ALAM RESIDENT OF VILLAGE - KOLTHA, SITAJHARI, P.S. - PAHARKATTA, DISTRICT - KISHANGANJ
4. PASIRUDDIN SON OF LATE GOHAR ALI RESIDENT OF VILLAGE - GERAMARI, CHHATAR GACHH, P.S. - POTHIA, DISTRICT - KISHANGANJ (MATERNAL FATHER-IN-LAW)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MAHNAZ BEGUM WIFE OF SABIR ALAM RESIDENT OF VILLAGE - SITAJHARI, KOLTHA, P.S. - PAHARKATTA, DISTRICT - KISHANGANJ

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.
For the Opposite Party/s : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-09-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Pothia P.S. Case No. 57 of 2015 for the offence under sections 323, 341, 504 and 498A of the I.P.C. lodged on 02.03.2015 by the informant, Mahnaz Begam.

3. As per the prosecution story, the informant, alleged that she solemnized marriage with one Sabir who used to live in



Delhi for his livelihood and money was being transmitted. In his absence, she was regularly beaten by her in-laws with the sole intention to leave the place. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that it was a love marriage between them, the family had already severed relationship and had nothing to do with them. Further, a perusal of the FIR would show that the husband has not been made accused and the last submission is that the family has come to terms and a compromise has already been made.

5. Learned APP opposes the prayer submitting that the allegation is there.

6. Though the allegation is there but the fact remains that three of the accused persons are ladies while one accused, Pasiruddin is 66 years old, the case is there, they will be facing trial, have no criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners, named above, be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with aforesaid PS Case,



subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as subject to the following conditions:-

(i) one of the bailors 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 his bail bond by the Trial Court itself;

(iii) 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 her/his bail bonds.

(Rajiv Roy, J)

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