

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55004 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- BAJPATTI District- Sitamarhi

Md. Afroj Son Of Late Md. Taslim Resident Of Village- Madhuwan Ward No. 6, P.S.- Bajpatti, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 57318 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- BAJPATTI District- Sitamarhi

Md. Adam Son Of Late Md. Taslim R/V- Madhuwan Ward No. 6, P.S.- Bajpatti, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 55004 of 2024)
For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : Mr. Kanishk Shankar, Advocate
(In CRIMINAL MISCELLANEOUS No. 57318 of 2024)
For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : Mr. Kanishk Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2024 Heard Mr. Uday Kumar learned counsel for the

petitioner and Mr. Kanishk Shankar representing the informant

as also the learned APP.



2. The petitioners are apprehending their arrest in connection with Bajpatti P.S. Case No. 95 of 2024 for the offence under Sections 341, 323, 498A, 376 and 34 of the I.P.C. and 3/4 of the Dowry Prohibition Act, lodged on 07.04.2024 by the informant, Shabana Khatun.

3. As per the prosecution story, the informant alleged that she got married to Md. Asgar in the year 2017 and the couple is blessed with two children. Later the allegation is that the accused started demanding dowry and then her brothers in law Md. Afroj and Md. Adam advised her to obey them and can live happily. She abided by it, but they started sexually assaulting her and in the month of August, 2023 she was driven out and went to her parents' home. On 08.03.2024 when her father in law died she came to in laws house, post funeral, the husband compelled her to obey his brothers and accepting it she started living in the house. As the husband went to Mumbai, the family members again started demanding dowry and established physical relationship. Accordingly the FIR.

4. Learned counsel for the petitioners submits that they have no role to play in the matter, living separately, the husband works in Mumbai, the case due to land dispute. The late father of the petitioners had already given an informatory petition



before the Sub Divisional Officer, Pupri, Sitamarhi (Annexure 2 to the petition) vide informatory petition no. 13 of 2017 stating that post marriage, the couple started living at the lady's parents home but later due to demanding share in the land are torturing the family.

5. He submits that this is only to force the family to part with the land that this case has been lodged.

6. Learned counsel appearing on behalf of the informant on the other hand submits that the bare perusal of the FIR would show that the lady was sexually assaulted by the two brothers in law repeatedly and later demand of dowry is there which followed the FIR.

7. Though allegations are there, fact remains that the case of the petitioners is/are that post marriage, the couple was residing at in laws house, they are living separately, admittedly, the late father of the two petitioners had given an informatory petitioner regarding the demand of share which may lead to their implication, FIR is there both the petitioners are young and having no criminal antecedent, it has been undertaken by the learned counsel for the petitioner that both will diligently appear in trial, this court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioners 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 Judicial Magistrate 1st class Pupri at Sitamarhi, in connection with Bajpatti P.S. Case No. 95 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(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 his bail bonds.

(Rajiv Roy, J)

Ankit Kumar/-

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