

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62201 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- MAHILA P.S District- West Champaran

1. Salman Ali @ Salman Miyan Son of Haider Ali Resident of Village - Birti Baithwariya, P.S. - Baithwariya, District - West Champaran
2. Arif Ali @ Arif Miyan Son of Haider Ali Resident of Village - Birti Baithwariya, P.S. - Baithwariya, District - West Champaran
3. Koraisha Khatoon @ Kuraisa Khatoon Wife of Muslim Miyan Resident of Village - Parsauna Raibarwa, P.S. - Sathi, District - West Champaran
4. Ashik Miyan Son of Late Nathu Miyan Resident of Village - Parsauna Raibarwa, P.S. - Sathi, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukhatari Khatoon Daughter of Nazare Alam Resident of Village - Dhobni Ramupur, P.S. - Sathi, District - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate Mr. Sitesh Kashyap, Advocate Md. Dilshad Alam, Advocate
For the Opposite Party/s :		Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-10-2024 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Bettiah Mahila Police Station Case No. 11 of 2024, disclosing offences under Sections 498A, 313, 420, 323 and 34 of the Indian Penal Code and 3 and 4 of D.P. Act.

3. As per First Information Report, co-accused Javed Akhtar on the pretext that he was unmarried solemnized



marriage with the informant on 01.11.2023. Thereafter, she was brought to Patna and an affidavit of marriage was prepared. On 04.01.2024, the accused persons Arif Miyan, Salman Ali and Ashiq Miyan brought another lady claiming to be the first wife of co-accused Javed Akhtar. On 12.02.2024, due to assault made to the informant by husband, father-in-law and the first wife, 3½ months pregnancy of the informant was terminated. Subsequently, she was ousted from her matrimonial home.

4. Learned Counsel for the petitioners submit that the petitioners have falsely been implicated in the present case due to some dispute between husband and wife. Petitioner no. 1 and 2 are the brothers of the first wife of the co-accused Javed Akhtar. Petitioner no. 3 is the mother-in-law of the victim. Petitioner no. 4 is the grandfather-in-law of the victim. The factum of marriage has been denied by the co-accused Javed Akhtar with the informant. Petitioner no. 4 is about 88 years of age, there is no specific allegation against the petitioners and the allegation of termination of pregnancy is not supported by any medical evidence.

5. On the other hand, learned Additional Public Prosecutor opposed the prayer for bail.

6. Regards being had to the submissions made on



behalf of the parties and taking into consideration the nature of allegation and the fact that the petitioner no. 4 is 88 years old, petitioner no. 3 is mother-in-law and petitioner nos. 1 and 2 are the brothers of the first wife, I am inclined to grant the petitioners privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah in connection with Bettiah Mahila Police Station Case No. 11 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J.)

Jyoti Kumari/-

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