

Arising Out of PS. Case No.-140 Year-2023 Thana- MANIHARI District- Katihar

- Petitioner/s

1. The State of Bihar
2. Rizwana Khatoon D/o Md. Manjur Alam, wife of Md. Shakil R/o vill - Narayanpur, P.S. - Manihari, Distt. - Katihar

... .. Opposite Party/s

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Musowir, Advocate
For the State : Mr. Arun Kumar. APP

3 27-02-2024 1. Heard learned counsel appearing on behalf of the
petitioners, learned counsel appearing on behalf of the
informant and learned Additional Public Prosecutor appearing
on behalf of the State.

2. The accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Manihari P.S. Case No. 140 of 2023, registered for the offences punishable under Sections 341, 323, 325, 307, 498(A), 504/506/34 of the Indian Penal Code and 3/4 of D.P. Act.



3. The allegation against all above named petitioners is to commit mental and physical cruelty upon informant alongwith co-accused persons/family members due to non-fulfillment of demand of dowry as raised for cash of Rs. 5 Lakhs.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are in-laws, living separately having no connection with daily and domestic affairs of informant. It is further submitted that the thrust of allegation *qua* physical assault is available against the husband of informant namely, Md. Shakil. It is submitted that the allegation regarding miscarriage of informant is appearing suspicious from the face of FIR itself and moreover, upon medical examination no such injuries were noticed upon her. While concluding the argument, it is submitted that petitioners are having of no criminal antecedent.

5. Learned APP duly assisted by learned counsel appearing for the informant opposes the prayer of bail but fairly conceded the fact that petitioners are in-laws.

6. Considering the aforesaid facts and circumstances and by taking note of fact as above named petitioners are in-laws of informant, where thrust of allegation *qua* physical



assault appears *prima facie* against her husband, namely, Md. Shakil, accordingly, all above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar/concerned Court, where the case is pending in connection with Manihari P.S. Case No. 140 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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