

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68750 of 2023

Arising Out of PS. Case No.-106 Year-2023 Thana- SIKARHATTA District- Bhojpur

1. Najama Khatun Wife Of Md. Sagir @ Md. Sagir Ahamad Resident Of Village - Sikarhatta Kala, P.S. - Sikarhatta, District - Bhojpur
2. Md. Sagir @ Md. Sagir Ahamad Son Of Late Abdul Satar Resident Of Village - Sikarhatta Kala, P.S. - Sikarhatta, District - Bhojpur
3. Md. Minhaj @ Md. Minhaj Alam Son Of Md. Sagir @ Md. Sagir Ahamad Resident Of Village - Sikarhatta Kala, P.S. - Sikarhatta, District - Bhojpur
4. Imaran @ Md. Imaran Alam Son Of Md. Sagir @ Md. Sagir Ahamad Resident Of Village - Sikarhatta Kala, P.S. - Sikarhatta, District - Bhojpur
5. Shaba Khatun @ Simaran Pravin Daughter Of Md. Sagir @ Md. Sagir Ahamad Resident Of Village - Sikarhatta Kala, P.S. - Sikarhatta, District - Bhojpur
6. Khushi Pravin Daughter Of Md. Sagir @ Md. Sagir Ahamad Resident Of Village - Sikarhatta Kala, P.S. - Sikarhatta, District - Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rehana Khatoon Resident Of Village - Sikarhatta Kala, P.S. - Sikarhatta, District - Bhojpur, At Present Resident Of Village And P.O. - Chikasi, P.S. - Sigodi, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Tripathy, Advocate
For the State	:	Mr. Md. Fahimuddin, APP
For the O.P. No. 2	:	Mr. Md. Ataul Haque, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 27-02-2024 Heard Ld. counsel for the petitioners and Ld. APP for the State as well as Ld. counsel for O.P. No. 2.

2. The petitioners apprehend their arrest, in connection with Sikarhatta P.S. Case No. 106 of 2023 dated 08.08.2023, registered for the offences punishable under Sections 341, 323, 504 and 498(A)/34 of the Indian Penal Code.

3. The allegation against the petitioners is of assaulting, abusing and demanding dowry of Rs. 5,00,000/- and



one four wheeler vehicle.

4. Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that all the petitioners are other than the husband of the informant and they have nothing to do with the matrimonial life of the informant and her husband (co-accused). He further submits that they have falsely implicated with intent to harass the whole family.

5. It has also been stated in paragraph no.3 of the bail petition that the petitioners have no criminal antecedent.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. However, Ld. APP for the State and Ld. counsel for the O.P. No. 2 vehemently oppose the prayer of the petitioners for bail.

8. Considering the facts that all the petitioners are other than husband of the informant, this application is allowed, directing the petitioners, above named, to be enlarged on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds



in the sum of Rs. 10,000/- (Ten Thousand) **each** with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Bhojpur at Ara in connection with Sikarhatta P.S. Case No. 106 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have given wrong statement regarding their criminal antecedents, Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

9. Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J.)

Ravishankar/
Shoaib

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