

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80608 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- SASARAM MUFFSIL District- Rohtas

1. Tarik Quraishi @ Tarikh Quraishi, Male, aged about 21 years, Son Of Tawfic Quraishi
2. Tawfic Quraishi, Male, aged about 59 years, Son of Late Mithu Quraishi Both Resident of Muradabad ward No.14, P.S.- Sasaram Mufassil, District-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Fazle Karim, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2024 Heard Mr. Md. Fazle Karim, learned counsel appearing on behalf of the petitioners and Mr. Satyendra Prasad, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Sasaram Mufassil P.S. Case No. 56 of 2023 registered for the offence punishable under Sections 341, 323, 307, 498(A) and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, accused persons named therein including the petitioners had demanded dowry from the informant and forced her to abort her pregnancy and on refusal of the informant to do so, they had ousted the informant from her matrimonial house.



4. Learned counsel appearing on behalf of the petitioners submitted that specific allegation is against husband of the informant and the petitioner no. 1 being own brother and petitioner no. 2 being father of the husband of the informant, the informant has roped them in the present case on false accusation. Petitioners live separately from the husband of the informant and they have no concern with the day to day affair of the informant's family and in this regard, they have made a statement in paragraph no. 9 of the bail application. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioners in the FIR, as well as, the fact that the informant has admitted that her husband had tortured her and ousted her from her matrimonial house, Petitioners live separately from the husband of the informant and they have no concern with the day to day affair of the informant's family and in this regard, they have made a statement in paragraph no. 9 of the bail application. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on



pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M, Rohtas at Sasaram, in connection with Sasaram Mufassil P.S. Case No. 56 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. **The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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