

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82302 of 2023

Arising Out of PS. Case No.-13 Year-2016 Thana- MAHILA PS District- East Champaran

1. Taslima Khatoon W/o Salim Ansari R/O Village- Pakhna hiya, P.S.- Palanwa, Distt.- E. Champaran.
2. Raushan Tara D/O Salim Ansari R/O Village- Pakhna hiya, P.S.- Palanwa, Distt.- E. Champaran.
3. Afjail Ansari S/O Salim Ansari R/O Village- Pakhna hiya, P.S.- Palanwa, Distt.- E. Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Mahila P.S. Case No. 13 of 2016, registered on 07.04.2016 for the offences under Sections 341, 342, 323, 379, 420, 406, 498A, 312, 313/34 of the Indian Penal Code, Sections 3/4 of Dowry Prohibition Act and Sections 22(i), 23 (i) (iii) of Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act.

3. As per prosecution case, the petitioners are in-laws of the informant and allegation against them is that they tortured and assaulted the informant and treated her with much



cruelty on account of their demand of a motorcycle. Due to their assault, the pregnancy of the informant was aborted when the petitioners and co-accused husband came to know about the sex of the child in womb.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The FIR has been lodged after much delay and the date mentioned in the FIR shows the occurrence took place 1-2 years back. The true facts of the case is that the informant does not want to live her husband and only to blackmail the petitioners and their family the present case has been lodged. No injury report has been annexed with the FIR. The informant herself left her matrimonial home and she has solemnized second marriage with one Sallauddin Ansari and later on, compromised the case with her co-accused husband and the petitioners. The petitioners are mother-in-law, sister-in-law and brother-in-law, respectively of the informant. They have got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering



the fact that the petitioners are stated to be in-laws of the informant and also considering the subsequent development, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned court in connection with Mahila P.S. Case No. 13 of 2016, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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