

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85478 of 2023

Arising Out of PS. Case No.-158 Year-2023 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Shahbuddin Khan Son of Late Shamsad Khan Resident of Ghanwan, P.S. - Barachatti, District - Gaya
 2. Nurshoda Khatoon @ Mursida Khatoon Wife of Shahbuddin Khan Resident of Ghanwan, P.S. - Barachatti, District - Gaya
 3. Ghoshia @ Gudia @ Gaushiya Khanan Daughter of Shahbuddin Khan Resident of Ghanwan, P.S. - Barachatti, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tajmin Wife of Wahiduddin Khan, Daughter of Hasimiddin Khan Resident of Ghanwan, Post - Sharma Bazar, P.S. - Barachatti, District - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Sinha, Advocate Mr. Sudhir Kumar Sinha, Advocate
For the State	:	Mr. Harendra Prasad, APP
For the Complainant-O.P.No.2:	:	Dr. Nalin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioners, learned

APP for the State and learned counsel appearing on behalf of

complainant-opposite party no. 2.

2. In the present case, the petitioners are apprehending their arrest in connection with Complaint Case No. 158 of 2023, filed on 14.03.2023 wherein processes have been directed to be issued after cognizance being taken for the offences under Sections 498A and 323/34 of the Indian Penal Code.



3. As per prosecution case, the petitioners who are parents-in-law and sister-in-law of the complainant, respectively demanded dowry and assaulted the complainant for non-fulfillment of the dowry demand. They tried to set the complainant on fire and drove her out of her matrimonial home.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The informant was never ousted by the petitioners from their house and she herself left the matrimonial house and has been living separately from the petitioners for long period. Petitioner no. 3 is unmarried and she has no concern with the affairs of the husband of the complainant. The prosecution story is not believable.

5. Learned APP as well as learned counsel appearing on behalf of the complainant vehemently oppose the submission made on behalf of the petitioners. Learned counsel appearing for the complainant submits that the specific allegations have been levelled against the petitioners that they tried to set ablaze the complainant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the matrimonial nature of dispute and relationship between the



parties and further considering the possibility of false implication, 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 Judicial Magistrate, Ist Class, Gaya/concerned court in connection with Complaint Case No. 158 of 2023, 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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