

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.921 of 2024

Arising Out of PS. Case No.-242 Year-2023 Thana- KADAMKUAN District- Patna

1. Kaneez Bari @ Kaneez Fatima Bari Wife Of Abdul Bari @ Dr. Abdul Bari Resident Of M.M. Haque Colony, Ismaeel Shahed Road, Siwan, Distt- Siwan.
2. Dr. Abdul Bari @ Abdul Bari Son Of Anisur Rahman, Resident Of M.M. Haque Colony, Ismaeel Shahed Road, Siwan, Distt- Siwan.
3. Abul Haitham Faizan Bari @ Faizan Bari Son Of Dr. Abdul Bari @ Abdul Bari, Resident Of F-28, First Floor, Abdul Fazal Enclave, Jamia Nagar, South Delhi, Distt- Delhi, Permanent Resident Of M.M. Haque Colony, Ismaeel Shahed Road, Siwan, Distt- Siwan.
4. Zille Fatima Bushra Bari @ Bushra Bari Daughter Of Dr. Md. Asadullah, Resident At Present Medical Colony, Jawahar Lal Medical College And Hospital, A.M. University, Aligarh.
5. Zarreen Fatima Zikra Bari @ Zikra Bari Daughter Of Dr. Abdul Bari @ Abdul Bari Wife Of Md. Zeesham Ahmad, Present Residing At Okhala Vihar, P.S.- Jamia Nagar, New Delhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sazia Siddique Wife of Abul Ala Almas, Resident Of Peri Hoda Complex, Plot No- 103, Road No-6A, Rajendra Nagar, P.S.- Kadamkuan, Distt- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Wasi Akhtar, Advocate
For the OP No. 2	:	Mr. Fakhrudin Ali Ahamed, Advocate
		Mr. Tauqueer Azhar, Advocate
		Mr. Neeraj Kumar, Advocate
		Mr. Pawan, Advocate
For the Opposite Party/s :		Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Wasi Akhtar, the learned counsel for the

petitioners, Mr. Fakhrudin Ali Ahamed, the learned counsel

appearing on behalf of Opposite Party No. 2 and Mr. Suresh

Prasad Singh, the learned Additional Public Prosecutor for the



State.

2. The petitioners are apprehending their arrest in connection with Kadamkuan PS Case No. 242 of 2023, FIR dated 18.04.2023, registered for the offences punishable under Sections 498A and 341 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act.

3. According to prosecution case, Opposite Party No. 2's marriage was solemnized with one Abul Aala Almas Bari and out of wedlock one female child was born. It is further alleged that due to non-fulfillment of dowry demand the informant was subjected to regular abuse and torture and due to all that she left her matrimonial house and came back to her parental house. It is further alleged that five unknown persons on the instructions of Abdul Ala Almas tried to forcibly take the informant and her baby.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that the petitioners are the in-laws of the informant. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act or demand of dowry is attributed against the petitioners, rather there is general and omnibus allegations against all the accused persons including these petitioners. He further submits that petitioner nos. 1 and 2



are the mother-in-law and father-in-law of the informant, petitioner no. 3 is the brother-in-law and petitioner nos. 4 and 5 are married sisters-in-law of the informant and the husband of the informant has been granted bail anticipatory bail by a co-ordinate Bench of this Court vide order dated 08.02.2024 passed in Cr. Misc. No. 3591 of 2024.

5. The learned counsel for the informant and the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR and there is specific allegation against them that they have demanded dowry from the family members of the informant.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and there is no specific allegation of any assault or overt act or demand of dowry is attributed against the petitioners, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna, where the case is pending in connection with **Kadamkuan PS Case No. 242 of 2023**, subject



to the conditions as laid down under Section 438(2) of the Cr.P.C.
and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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