

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89406 of 2024

Arising Out of PS. Case No.-310 Year-2024 Thana- GAYA KOTWALI District- Gaya

Javed Mobin @ Daiyan Mobin S/O Late Movinul Haque @ Mobinul Haque
Resident of Village- Khankah Mohalla- Chunauti Kuan, P.S.- Phulwarisharif,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rukshar Parween W/O Shahid Mobin, D/O Mohammad Shamsuddin Sheikh
R/O Village- Murarpur, ALN Road, P.S- Kotwali, Distt.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyam Anand
For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-02-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Kotwali P.S. Case No. 310 of 2024 dated 03.06.2024
registered under Sections 498A, 323, 504, 313, 34 of the I.P.C.
and Section 3 & 4 of the Dowry Prohibition Act, 1961.

3. As per the first information report the marriage of the
informant was solemnized with the co-accused Shahid Mobin
on 23.11.2023. It has been alleged that after marriage the
accused persons started demanding a car by way of dowry and
due to non fulfillment of the demand, they tortured the
informant and tried to kill the informant by releasing electric
current in the naked wire for drying wet clothes.



4. Learned counsel for the petitioner submits that the petitioner is “Bhaisur” (elder brother of the informant’s husband) and he has falsely been implicated in this case on the basis of general and omnibus allegation. Entire family members have been made accused with ulterior motive. There is no specific allegation of assault against the petitioner and the allegation which resulted in alleged miscarriage of the informant is not against the petitioner but is against the other co-accused person namely, Rafat Mobin @ Juhi. The mother-in-law of the informant has been granted anticipatory bail by this Court in Cr. Misc. No. 72660 of 2024.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that all the accused persons including the petitioner brutally assaulted the informant and due to assault, the informant has suffered miscarriage. The process under Section 82 Cr.P.C. was issued against the petitioner by the concerned District Court on 22.11.2024 but by mistake in the aforesaid order of 22.11.2024 it has been written “for issuance of non-bailable warrant”, which has subsequently been corrected by order dated 30.01.2025.

6. In reply, learned counsel for the petitioner submits that on 22.11.2024 N.B.W. was issued without having service report of



bailable warrant and summon and the warrant of arrest was pasted on the wall of the petitioner's house.

7. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that petitioner is elder brother of the informant's husband, the mother-in-law of the informant has already been granted anticipatory bail by this Court and the allegation against the petitioner is general and omnibus in nature, I am inclined to grant anticipatory bail to the petitioner.

8. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 310 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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