

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.32507 of 2008

1. Shah Sabir son of Sah Islam
2. Sah Islam son of Late Sah Fagu
3. Bibi Moheba wife of Sah Islam
4. Sah Naseem son of Sah Ismail
5. Bibi Gulia @ Noorjahan wife of Sah Naseem
6. Sah Yasin son of Late Sah Zainuddin
7. Sah Shamsad @ Shamsad son of Sah Yasin
8. Sah Naushad @ Naushad son of Sah Yasin

All resident of Village Chakai,
P.S. Jokihat, District Araria

-----Petitioners

Versus

1. THE STATE OF BIHAR
2. Bibi Kishmati Khatoon wife of Sah Sabir and daughter of Sah Musahaib Ali, resident of Village Chakai, P.S. Jokihat, District Araria

-----Opposite Parties

2. 30.9.2008 Heard the learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in connection with Complaint Case No.2330 C of 2007 for the alleged offences registered under section 498A of the Indian Penal Code.

It is submitted on behalf of the petitioners that the specific allegation is against petitioner no.1, who is the husband of the complainant and one co-accused Bibi Reshma, on whose behalf the present application has not been filed.

Learned counsel appearing on behalf of opposite party no.2 submits that as a matter of fact, all the petitioners have committed the alleged offences.

Learned APP appearing for the State opposes the prayer for bail.

Considering the submissions of the parties and in the facts and circumstances, it is directed that petitioners no.2 to 8 above

named, in the event of their arrest or surrender in connection with Complaint Case No.2330 C of 2007, within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri S.N. Jha, Judicial Magistrate, 1st Class, Araria, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

So far as the prayer for bail made on behalf of petitioner no.1 Shah Sabir is concerned, in view of the specific allegation against him and that too the nature of allegations, I am not inclined to grant anticipatory bail to him. The application on behalf of petitioner no.1 is, accordingly, dismissed.

PNM

(Shailesh Kumar Sinha, J.)

