

In the Court of Sessions Judge, Darbhanga,
A.B.P. No.557 of 2021

1.Sheikh Ali Naushad s/o late Abdul Jabbar

2.Sufiya Parween w/o Sheikh Ali Naushad

-----**Petitioners.**

Vrs.

The State of Bihar.

ORDER SHEET

12-04-2021. Due to **COVID-19 Pandemic** the matter is taken up for hearing through virtual Court.

Heard the learned defence counsel Sri Md.Hashmul Haque as well as learned P.P. Sri Nasiruddin Haider on the anticipatory bail petition filed on behalf of above named accused-petitioners U/S-438 Cr. P.C., who are apprehending their arrest in connection with Complaint Case No.568 of 2020 offence U/Ss. 323, 379 of the IPC and section 3 Dian Act.

Perused the record and lower court record.

Learned counsel for the accused-petitioners has submitted that the accused-petitioners are innocent and have committed no offence and have been falsely implicated in this case due to familiar partition and land dispute. It has further been submitted that petitioners are the own son and daughter-in-law of complainant and there is no direct and specific allegation against the accused-petitioners. There is land dispute between the two brothers and for which proceeding U/s 144 Cr. P.C. and other cases are pending in different courts. The complainant was influenced by her youngest son and filed this false case to settle score with the petitioners. No case under section 379 IPC and 3 of Dian Act is made out against the petitioners. The accused-petitioners belongs from respectable family and there is no chance of their absconding and tampering with the evidence. On these basis, a prayer has been made to allow this anticipatory bail petition.

Learned P.P. for the state has opposed the prayer for anticipatory bail.

According to the prosecution case, the role of accused-petitioners has been assigned in the complaint petition that on dated 09-09-2020 at 8.00 P.M. in night hour complainant was sleeping in her house. At the relevant time both the petitioners entered into the room and abused the complainant. Petitioner Sheikh Ali Naushad caught hold hairs of complainant and threatened to cure his son. Thereafter, Sheikh Ali Naushad pressed neck of complainant and petitioner Sufiya Parween caught hold both hands of complainant. On the arrival of villagers the life of complainant could be saved. Petitioner

Sufiya Parween took away Rs.10,000/- from the box.

As per submission of the learned defence counsel and from perusal of the record and well as lower court record, it appears that complainant has filed complaint petition against her own son and daughter-in-law. In the complaint case, on dated 19-02-2021 cognizance U/s 323, 379 IPC and section 3 of Dian Act has been taken against the accused-petitioners. Thereafter summon has been issued against the petitioners. There is familiar dispute in between the parties and for which proceeding u/s 144 Cr. P.C. has been initiated in between the parties.

Therefore, considering the aforesaid facts and circumstances of the case and submission made above, the prayer for anticipatory bail of the accused-petitioners is hereby **allowed**.

It is, therefore, ordered that in the event of arrest/surrender they will be enlarged on anticipatory bail on furnishing their bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below within four weeks of this order subject to the condition as laid down U/S 438(2) of the Cr. P. C.

(Dictated)

Sessions Judge,
Darbhanga.
12-04-2021

Typed by
A.Kumar, Steno.