

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.16902 of 2017**

Arising Out of PS.Case No. -225 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-  
EASTCHAMPARAN(MOTIHARI)

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1. SK. FAKHRUDDIN ALAM @ SK. FAKRUDIN ALI @ FAKHRUDIN ALAM @ FAKRUDIN ALI S/o Sk. Mumtaz, R/o Village- Goriya, P.S. Banjaria, District- East Champaran, Motihari.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Angoori Begum, W/o Sk. Fakhruddin Alam @ Sk. Fakrudin Ali, Resident of Village- Goriya, P.S.- Banjaria, District- East Champaran at present residing at Bhawanipur, P.S. Narkardehi, District- East Champaran, Motihari.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Ram Anurag Singh

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      11-04-2017              The petitioner is in custody since 19.10.2016 in connection with Complaint Case No. 225(C) of 201, registered for offences punishable under Section 498A of Indian Penal Code.

Allegation against the petitioner is of demand of dowry and torture.

It has been submitted on behalf of the petitioner that earlier petitioner was granted provisional bail for a period of one year by this court vide order dated 02.02.2015 passed in Criminal Miscellaneous No. 225 of 2013 with certain condition that petitioner will keep his wife with full honour and dignity. Further vide said order court below was directed to confirm the



provisional bail of the petitioner on three eventualities viz. (i) on substantial restoration of matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; (iii) or if the complainant fails to appear before the court below. However, petitioner has moved for extension of period of his provisional bail but the same has been rejected by this Court vide order dated 09-11-2016 passed in Criminal Miscellaneous No. 10315 of 2016. It has further been submitted that petitioner still abide by the conditions imposed at the time of grant of provisional bail and it is the complainant, who chose not to appear as a result neither bail bond of the petitioner was confirmed nor cancelled. Further petitioner has been in judicial custody 19.10.2016.

Heard learned A.P.P. also.

Having heard both sides, considering the aforementioned facts and circumstances and the period of custody, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate -1<sup>st</sup> Class, Motihari, in connection with Complaint Case No. 225(C)/13, with following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable



property within the jurisdiction of the concerned Court.

- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

**(Vinod Kumar Sinha, J)**

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