

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63252 of 2018

Arising Out of PS. Case No.-86 Year-2017 Thana- VAISHALI District- Vaishali

Md. Kaishar @ Md. Kaishar Ali Son of Safrudin @ Md. Safruddin, resident of Village- Bariyarpur, P.S. Vaishali, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anguri Khatoon, W/o Md. Kaishar @ Md. Kaishar Ali, daughter of Md. Salauddin, resident of Village- Mujauna, P.S. Parsa, District- Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. Sri Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 26-10-2018 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant.

Petitioner, who is in custody, seeks bail in connection with Vaishali P.S. Case No. 86 of 2017 registered for the offences punishable under Section 498(A)/34 of the Indian Penal Code read with section 3/4 of the Dowry Prohibition Act.

As prayed for on behalf of the petitioner, the petitioner is permitted to correct the prayer portion as learned Chief Judicial Magistrate in place of Addl. Chief Judicial Magistrate of this petition.

Allegation against petitioner is of torturing the daughter of the informant for non fulfillment of demand of dowry and also ousting from her Sasural.



It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has been further submitted that allegation attributed against him is totally false. Petitioner is still ready to keep his wife with full honour and dignity. Petitioner has no criminal antecedent and he is in custody since 24.05.2018.

Learned Counsel for the informant has vehemently opposed the prayer for grant of regular bail to the petitioner.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Hajipur, District Vaishali, in connection with Vaishali P.S. Case No. 86 of 2017 subject to the condition that:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned
- (2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be



at liberty to move for cancellation of
bail of the petitioner.

(S. Kumar, J)

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