

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4438 of 2019

Arising Out of PS. Case No.-239 Year-2018 Thana- MUFFASIL District- West Champaran

Md. Abbas Shekh Maqbul Resident of Village-Adhakaparia, P.S-Ram
Garhwa, Dist.-East Champaran, Bettiah

... .. Petitioner/s

Versus

The State Of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Guriya Nisha

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 29-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Bettiah(M) P.S. Case No. 239 of 2018** registered for the offence punishable under Sections 341, 323, 504, 506, 498A/34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

Informant in her written complaint has stated that she was married to petitioner on 19.04.2015 according to muslim rituals and customs and after three months petitioner along with FIR named accused started torturing her for non fulfillment of demand of dowry and also tried to kill her.

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 petitioner never demanded dowry or subjected her to cruelty. Informant is the second wife of



petitioner. It has been further submitted that petitioner has filed complaint case before the Chief Judicial Magistrate, Patna in which cognizance has been taken against the brother of the Informant for torturing the petitioner. Petitioner has got no criminal antecedent and is in custody since 15.06.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate-Bettiah, Muffasil, East Champaran**, in connection with **Bettiah(M) P.S. Case No. 239 of 2018**, with following conditions:-

(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 properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(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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