

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14102 of 2019

Arising Out of PS. Case No.-83 Year-2017 Thana- PAKRIDAYAL District- East Champaran

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ROJ MOHAMMAD Son of Late Gaffar Mansoori Resident of Village-
Chorma, P.S.-Pakdidayal, Dist.-East Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sahina Khatun, wife of Roj Mohammad, r/o Gram Charma, Doana, P.S. Kakridayal, Distt. East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh
For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 11-07-2019 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in **Pakridayal P.S. Case No. 83 of 2017**, instituted for the offence under Section(s) 498A, 494, 341, 323, 504 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Notice was issued to opposite party No. 2 but he did not appear.

It is alleged in the written report that informant was married with petitioner in the year 2013. At the time of marriage father of the informant had given gifts according to his capacity. The informant gave birth to a female child. The informant was assaulted by the petitioner and his family members on account



of non-fulfillment of further demand of Rs.5,00,000/. Petitioner always used to give threat to the informant to perform second marriage if the aforesaid amount is not given to him. It is further alleged that petitioner ultimately performed second marriage with Khushbu Khatoon. When the informant communicated to in-laws about second marriage of her husband, she was ousted from the matrimonial home.

Counsel for the petitioner submits that petitioner is not named in the written report. He always wanted to keep his wife and daughter with him but, informant does not want to live with the petitioner.

Petitioner is in custody since 4.8.2018 having clean antecedent.

Keeping in view the period spent by the petitioner in custody, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on 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, Motihari, East Champaran,** in connection with **Pakridayal P.S. Case No. 83 of 2017,** subject to the condition that both the bailors will be the close relatives of the petitioner with further conditions which are as follows:



(i) Petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court (ii) In absence on two consecutive dates without any valid reason, the bail bonds of the petitioner will liable to be cancelled and (iii) if petitioner tampers with the evidence or the witnesses of the case, in that event, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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