

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61895 of 2019

Arising Out of PS. Case No.-253 Year-2008 Thana- NAWADA District- Nawada

Md. Alamgir Abdin @ Alamgeer Abedeen Son of Md. Zainul Abdeen
Resident of Mohalla-0074 Ansar Nagar, Behind Jama Masjid, Nawada,
Gondapur, P.S.-Bundelkhand, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 27-09-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is in custody on his surrender since
27.08.2019 in connection with Nawada (Town) P.S. Case No.
253 of 2008 registered for the offence under Section 498(A)
of the Indian Penal Code and Section 3/4 of Dowry Prohibition
Act.

Learned counsel for the petitioner submits that on
the last occasion when the prayer for anticipatory bail of the
petitioner had been considered, the High Court had observed
that if the petitioner surrenders, the concerned Court shall take
into consideration the facts and circumstances which have
been stated in the anticipatory bail application for the purpose



of grant of bail. Learned counsel for the petitioner submits that pursuant to the last order, the petitioner duly surrendered before the court of SDJM, Nawada and thereafter he is languishing in Jail. Learned counsel for the petitioner further contended that the learned court failed to appreciate that the situation had changed and that the marriage has already dissolved and petitioner had also been paying maintenance regularly since the time it was fixed by this Hon'ble Court. Learned counsel for the petitioner further submits that the opposite party has not been pursuing the case since long and that she has remarried and is living in Kolkata. Learned counsel further contends that as and when required the petitioner shall present himself before the Court in the trial which is likely to ensue and shall not evade the processes of court. He further submits that the petitioner is a responsible officer and working in Tata Consultancy Services at Chennai and as per certificate contained in Annexure-6. It is further submitted that the informant has not produced a single witness to support the claim despite the fact that several adjournments have been granted to produce the witness. Learned counsel for the petitioner further points out that the petitioner has already produced six witnesses to prove the



factum of divorce and the witnesses also came forward to depose that the informant has remarried and lives in Kolkata.

Considering the aforementioned facts and circumstances and the period of custody, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Chief Judicial Magistrate, Nawada, in connection with Nawada (Town) P.S. Case No. 253 of 2008, subject to the following conditions:

(1) One of the bailors will be his father.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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