

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56234 of 2021

Arising Out of PS. Case No.-266 Year-2021 Thana- BHAGWAN BAZAR District- Saran

Faizan Sarwar Son of Akhtar Hussain R/O - Nai Bazar, Near Choti Masjid,
P.O. and P.S.- Bhagwan Bazar, Chapra, District- Saran (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahla Bahar D/O- Kalim Hussain, W/O - Faizan Sarwar R/O - Nai Bazar, Choti Masjid, P.S. and P.O.- Bhagwan Bazar, District- Saran (Bihar). At Present Purani Ajimabad Colony Sultan Ganj, P.O. and P.S.- Sultanganj, District- Patna-6

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Shweta Kumari, Adv.
For the State	:	Mr. Upendra Kumar, APP
For the O.P. no.2	:	Mr. Shiw Kumar Prabhakar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-11-2021 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the O.P. no.2 who has appeared suo motu.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 498A, 341, 342 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per the prosecution case, the daughter of the informant was married to the petitioner herein on 19.3.2021. It is stated that subsequent to the marriage, the accused persons named in the F.I.R. started to torture the informant's daughter



physically and mentally. She was physically assaulted. She gave information about the occurrences to the informant. In spite of all attempt, the informant could not contact the members of her family.

It is submitted by learned counsel for the petitioner that the petitioner who happens to be the husband of the daughter of the informant was neither named in the F.I.R. nor any allegation made against him. It was subsequently in course of investigation to pressurize the petitioner and the members of his family that the petitioner has been made accused. In a case under section 498A of the Indian Penal Code, the petitioner has remained in custody since 18.7.2021 and chargesheet has been submitted in the case. The petitioner has no criminal antecedent.

It is submitted by learned counsel for the petitioner that the urgency in taking up this case is that the marriage of sister and brother of the petitioner is to be solemnised in the month of November, 2021 itself.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the O.P. no.2. It is submitted by learned counsel for the O.P. no.2 that all the members of the in-laws family of the daughter of the informant including the petitioner herein tortured the daughter of the



informant. Although, the petitioner was not named in the F.I.R., however, on coming to known the true facts, specific and grave allegations have been levelled against him and the same has been supported by the witnesses in course of investigation. It is further submitted that it has also transpired that 5 litres of kerosene oil had been kept in the house which in the city can be for no other purpose than for burning the daughter of the informant.

Having heard learned counsel for the parties and taking into consideration the facts of the case including the petitioner not having been named as an accused in the F.I.R. together with the period in custody and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Bhagwan Bazar P.S. Case no.266 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Chapra.

(Partha Sarthy, J)

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