

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7573 of 2022

Arising Out of PS. Case No.-101 Year-2021 Thana- MAHILA P.S. District- Araria

Md. Rizwan Son Of Md. Ajim R/O Village- Dhapi, P.S.- Jokihat, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Afasana Wife of Md. Rizwan R/o Village- Dhapi, Ward No.-09, P.S.- Jokihat, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-11-2022 Vide order dated 26.08.2022 notice was issued to to opposite party no.2. Service report reveals that the notice has been personally received by the opposite party no.2 it seems to be valid service but no one appears on behalf of opposite party no.2.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 498(A), 341, 323, 506, 379, 354/34 of Indian Penal Code and Section 3/4 of Dowry Prohibition Act.



Allegation against the petitioner is that he was committing physical and mental torture and harassment with his wife being in collusion and connivance of other accused members of in-laws family for non-fulfillment of their demands of dowry of Rs.2 lacs cash and a motorcycle.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the occurrence took place on 26.07.2021 but the present F.I.R. is instituted on 07.08.2021 after delay of 13 days without any explanation of delay. He further submits that in fact the petitioner is the husband of the informant and it appears from the F.I.R. that there is general and omnibus allegation against the petitioner.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is



pending in connection with Araria (Mahila) P.S. Case No. 101 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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