

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7684 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- MAHILA P.S. District- Banka

Md Akbar Son Of Md. Isriel @ Esariel Resident Of Village- Ratansoti, P.S -
Kasba , Distt - Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Najo Khatoon D/O Md. Rahman At Present Resident Of Village- Purani Rata, P.O- Rata, P.S- Belhar (KHESAR O.P) Dist- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Adv

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 498(A)/34 of IPC.

The prosecution case, in short, is that the marriage between the informant Najo Khatoon and the petitioner Md.Akbar was performed as per Muslim Rites on 15.02.2017. It is further alleged that soon after the marriage, the husband and others demanded an Apache motorcycle from the informant as



dowry and due to non-fulfillment of the same, the informant was assaulted and driven out of her nuptial house.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that in fact the petitioner is always ready to keep his wife with full dignity and honour. He further submits that it appears from the impugned order itself that the learned court below has called the Opp. Party No.2 and she has categorically stated before the learned court below that she she is not ready to live with the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 06.11.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Mahila (Banka) Police Station Case No.37 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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