

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11617 of 2022

Arising Out of PS. Case No.-130 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

MD. MOIM Son of Late Md. Attaur Rahman Resident of Village- Deodha,
P.S. Deodha, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rizwana Khatoon Wife of Md. Moim Daughter of Md. Sajid Sheikh
Resident of Village- Balha Goath, P.S. Khajauri, District - Dhanusha
(Nepal).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-12-2022 Learned counsel for the petitioner is permitted to

remove the defect (s), as pointed out by the office, if any, within

a period of four weeks from today.

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

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections
323,341,342,504,379,506,498(A) of IPC and 3/4 of D.P.Act.

The prosecution case, in short, is that the allegation
against the petitioner is of committing torture upon the victim
due to non-fulfillment of demand of dowry.



Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that in fact the petitioner is husband of the informant and allegation as alleged in the FIR is false and fabricated.

Vide order dated 16.09.2022 the matter was referred to the Patna High Court Mediation Centre for amicable solution of the dispute between the parties.

The mediation report dated 13.12.2022 reveals that the dispute between the parties has already been resolved through the process of the mediation.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 C.R. Case No. 130 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(a) 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 their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tamper 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 antecedents, 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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