

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11016 of 2022**

Arising Out of PS. Case No.-76 Year-2021 Thana- DHANKUND District- Banka

Md Nasim Son of Md. Kasim Resident of Village- Hasanpur, Police Station-
Amarpur, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Khusboo W/o Md. Nasim, D/o Md. Mustafa Raza Resident of Village-
Alam Nagar Hirbadih, P.S.- Dhankund, District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 11-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Dhankund P.S. Case No. 76 of 2021 registered for the offence
under Sections 498A and 34 of Indian Penal Code and Section
¾ of Dowry Prohibition Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.10.2021.

The allegation against the petitioner is to subjecting
her wife to cruelty and also to raise demand of Rs. 2 Lakh in



cash, as dowry.

Learned counsel appearing on behalf of the petitioner submitted that the allegation as regard to demand of dowry is general and omnibus in nature. It is submitted that petitioner is a man of clean antecedent, working as a labour and doing painting work. It has further been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence. While concluding the argument, learned counsel submitted to have instructions of petitioner to pay Rs.1,500/- (Rupees One Thousand and Five Hundred) per month to the informant.

Learned APP, while opposing the prayer of bail, fairly conceded that allegation as regard to demand of dowry is general and omnibus as per F.I.R.

Considering the facts and circumstances as mentioned above, as petitioner is ready to pay Rs. 1500/- to the informant/wife coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Dhankund P.S. Case No. 76 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 learned Sub Divisional Judicial Magistrate, Banka, subject to the following conditions:

“(i) Petitioner shall pay Rs.1,500/- (Rupees One Thousand Five Hundred) per month to the informant for her maintenance, the said amount shall be deposited in the bank account of wife of the petitioner namely, Bibi Khushbu, The amount of Rs.1,500/- (Rupees One Thousand Five Hundred) be transferred to the above mentioned account positively on or before seventh day of every calendar month, on failing for three consecutive months, the bail bond of the petitioner shall be cancelled by the Trial Court, itself.

It is made clear that the receipt of first payment, as regard to the deposit in the account, be placed before the Court concerned at the time of furnishing of bail bond.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Md. Azad, who is the cousin of the petitioner and deponent of the present bail petition.”

The trial court is directed to ensure the deposit of the same in the account of the informant and if the bank account is not



available with the informant, Secretary, DLSA is directed to open a bank account in favour of the informant in any nationalized bank for the aforesaid purpose.

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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