

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14415 of 2022

Arising Out of PS. Case No.-45 Year-2021 Thana- MAHILA P.S. District- Bhagalpur

MD. EJAJ ALAM @ MD. EJAZ ALAM @ MOHAMMAD AJAZ ALAM,
Son of Md. Idris Alam @ Mohd Idris Alam @ Idris Alam Resident of Village-
Sharif Ganj, Line Bazar, near Chhoti Masjid, P.S.- K. Hat (Sahayak), District-
Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukhsar, Daughter of Md. Noor Alam Resident of Grihasth Tola, Bania toli
Lane, P.S.- Barari, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim
For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 14-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Mahila

P.S. Case No. 45 of 2021, registered for the offences

punishable under Sections 498(A), 323, 341, 504, 506 and

34 of the I.P.C., Section 3/4 of the Prevention of Witch

(Daain) Act, 1999 and Section 3/4 of Dowry Prohibition Act.

The prosecution story in brief is that the marriage

of the informant was solemnized with the petitioner on

17.07.2016 as per Muslim rites and customs. After

sometime, the petitioner started torturing her and also



performed second marriage without her consent.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on account of matrimonial discord. He further submits that he is ready to keep his wife in his matrimonial home with all love and dignity but the informant herself is not ready to live with him. He also submits that he has been in custody since 28.10.2021, i.e., about eight months for alleged offence punishable u/s 498A of the I.P.C. for which maximum punishment prescribed is 3 years only.

The learned counsel for the informant-wife is also present. He submits that the informant is also ready to live with her husband.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances, particularly the period of custody, the petitioner, above-



named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bhagalpur in connection with Mahila P.S. Case No. 45 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the



petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

Before parting, it is made clear that as both the parties are willing to live together, they should take initiative on social level or in case social initiative is not successful, they have right to approach Family Court for restitution of conjugal rights.

(Jitendra Kumar, J)

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