

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30956 of 2022**

Arising Out of PS. Case No.-6 Year-2022 Thana- MAHILA PS District- East Champaran

TARIK ANWAR @ FOOL BABU Son of Late Hazi Shoaib Resident of
Village - Siswan, Police Station - Banjaria, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman, A.P.P.
For the Informant	:	Mr. Dilip Kumar Tondon, Advocate
		Mr. Prateek Tandon, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 30-08-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

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.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 498(A), 307/34 of the
Indian Penal code and section 3/4 of the Dowry Prohibition
Act.

According to prosecution case, on the basis of written
application of the informant Nusrat Bano to the police station
alleging therein that the informant was married with the



petitioner in the year 2012. After the marriage the in-laws of the informant started demanding Rs. 10 Lakh from the father of the informant and due to non fulfillment they assaulted to the informant. In the meantime the informant gave birth of three children two female and one male child. The elder daughter Tapsa Khatoon aged about 9 years, 2nd daughter Joha Bano, aged about 6 years and son Yusuf Anwar aged about 2 years. It is further alleged that the informant went Mumbai on 02.11.2021 to participate in the marriage of her brother and returned back on 10.01.2022, then the entire family members started abusing and assaulting with bamboo, lathi, leg, fist and slap due to non-fulfillment of demand of dowry. The accused persons are ready to kill her due to the reason to lodge the present case in delay. The informant is helpless lady having three children and she was treated in private clinic and thereafter she was treated in the Sadar Hospital, Motihari.

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 in fact the marriage was performed in the year 2012 and the present F.I.R. instituted in the year 2022. He further submits that before filing the present F.I.R. the petitioner has filed Informatory Petition



before Sub Divisional Officer, Sadar, Sub Division, Motihari on 13.01.2022. He further submits that petitioner is ready to keep the informant with full dignity and honor. The petitioner is in custody since 03.03.2022.

The learned counsel for the Informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Mahila Motihari P.S. Case No. 6 of 2022, subject to the following conditions:-

1. One of the bailor should be wife of the petitioner namely, Nujhat Bano.

2. 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.



3. 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.

4. 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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