

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40126 of 2022

Arising Out of PS. Case No.-56 Year-2020 Thana- MAHILA PS District- East Champaran

MD. SK. KASIM @ MD. KASIM Son of SK Madhu @ Sk Wasi Akhtar
Resident of Village - Unchichi Bhatiya, P.S.- Ramgarhwa, Dist.- East
Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Hasan Tara Khatoon W/O Sk. Kasim @ Md. Kasim Resident of Village -
Unchichi Bhatiya, P.S.- Ramgarhwa, Distt.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Trail
No. 2713 of 2022 arising out of Mahila P.S. Case No. 56 of 2020
registered for the offences punishable under Sections 498 (A), 34
of the Indian Penal Code and $\frac{3}{4}$ D.P Act and cognizance has been
taken under Sections 341, 323, 498(A), 504/34 of I.P.C. and $\frac{3}{4}$ D.P
Act.

As per prosecution case, petitioner and others
concertedly tortured the informant for demand of dowry in the
form of motorcycle and Rs.50,000/- in cash. It is alleged that



petitioner and others ousted the informant. It is further alleged that petitioner and others set a pre-condition to keep the informant after the fulfillment of demand of dowry.

Learned counsel for the petitioner submits that petitioner is in custody since 28.09.2021. Petitioner bears criminal antecedent of two cases as both cases were lodged by same party. He further submits that petitioner is ready to keep his wife with full dignity. He also submits that petitioner and informant are co-villagers and they want to enjoy the happy married life.

The learned counsel for the informant as well as learned A.P.P. for the State submit that informant is ready to join the company of petitioner as a wife and she is also ready to live the conjugal life.

Considering the facts and circumstances of the case, period of custody, petitioner is ready to live with the informant as submitted and the same is not controverted by the learned APP as well as learned counsel for informant, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail 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, Raxaul at Motihari in connection with Trial No. 2713 of 2022 arising out



of Mahila P.S. Case No. 56 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall submit undertaking to keep his wife with full dignity as well as he will not commit anything wrong to disturb the conjugal life.

(Alok Kumar Pandey, J)

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