

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43060 of 2022

Arising Out of PS. Case No.-463 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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Md. Nasim Kuraishi, Son Of Late Md. Kamal Kuraishi R/O Village- Kumhar
Toli, Madarsa Galinear Chiraiya Tal Pul, P.S.- Kankarbag, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Farida Khatoon Wife Of Md. Nasim Kurashi, D/O Lalbabu Kuraishi R/O
Village- Nakchhed Tola Ward No.-4, P.S.- Town, District- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Anand Mohan Prasad Mehta, APP
For the Informant	:	Mr. Shyama Kant Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 19-12-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

In the present case, the petitioner seeks bail in connection with Motihari Town P.S. Case No. 463 of 2021 registered for the alleged offences under Sections 341, 323, 498A, 34 of the Indian Penal Code and 3/4 D.P. Act.

As per prosecution case, the petitioner is the husband of the informant and allegation against him is that he was demanding Rs. 5 Lakhs in dowry and when the demand was not fulfilled, he and other co-accused persons brutally assaulted the informant. On 01.07.2021, the informant was assaulted and thrown out of her matrimonial home and her husband divorced



her by pronouncing triple *Talak*.

The learned counsel for the petitioner submits that the petitioner is the husband and he is innocent. The occurrence took place on 01.07.2021 but the FIR was registered on 19.07.2021. Moreover, the occurrence took place in Patna but the FIR was registered in Motihari. The injury report is manufactured and even from this injury report it is apparent that injuries are simple in nature. The petitioner is in custody since 29.04.2022 and charge-sheet has been submitted. The petitioner has no criminal history.

Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that there is specific allegation against the petitioner that he demanded dowry and tortured and treated the informant with cruelty and there is further allegation that they assaulted the informant on fateful day and drove her out from her matrimonial home along with her infant daughter.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and the submission of charge-sheet against the petitioner, the petitioner above named is



directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Motihari Town P.S. Case No. 463 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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