

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45207 of 2022

Arising Out of PS. Case No.-454 Year-2021 Thana- COMPLAINT CASE District-
Kishanganj

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SAMIRUDDIN Son of Late Kalmuddin Resident of Village- Jhingakata, P.S-
Bahadurganj, Dist- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. RukShana Wife of Imran Resident of village- Punash Sontha, Ward No. 15,
P.S- Kochadhaman, Dist- Kishanganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 323, 354,
498(A)/34 of the Indian Penal Code.

According to prosecution case, allegation against the
petitioner in nut shell is that complainant was married to
accused Imran according to Muslim rites on 02.04.2020 and she
went to her matrimonial home on 08.07.2020 but thereafter her
husband used to assault her for non-fulfillment of demand of
dowry and during this course her father-in-law namely,



Samiruddin used to molest and sexually by harass her repeatedly. Later on 19.08.2021 all the accused persons assaulted the complainant and also tried to kill her.

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 petitioner is the father-in-law of the complainant and it appears from the complaint petition that there is general and omnibus allegation against the petitioner. He further submits that co-accused namely Amirun and Sahbaz have been granted anticipatory bail by the learned Court below itself and the case of the petitioner is in similar footing.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory 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 Complaint Case No. 454C/2021, subject to the conditions as laid down under Section 438(2) of



the Cr.P.C. and also the following conditions:-

1. 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.

2. 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.

3. 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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