

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54158 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- MAHUA District- Vaishali

Md. Khurshid Son Of Abdul Hafiz @ Dhuman Mian R/O Village And P.O.-
Madhaul, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nusrat Parween D/O Mustafa R/O Tole Narwara Mohammadpur Kowari,
Ward No.13, P.S.- Pusa Road (WAINI), District- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharmesh Kumar, Advocate
For the Informant	:	Ms. Kumari Vandana, Advocate
For the State	:	Mr. Sucheta Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2022 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323, 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Petitioner is the husband of the informant/opposite party no. 2. Allegation is of demand of dowry and torture for non-fulfillment of the same.



Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. Learned counsel for the petitioner out rightly submits that he is ready to pay Rs. 5,00,000/- (five lakhs) as one time settlement to the informant/opposite party no. 2.

Learned counsel appearing for the informant on the basis of instruction states that he has no objection if the petitioner pays Rs. 5,00,000/- to the informant. Learned counsel for the informant undertakes that she will not lodge any other case including the maintenance case against the petitioner.

In view of the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt of the order, 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 Court below where the case is pending in connection with Mahua P.S. Case No. 35 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

- (1) The petitioner shall deposit a demand draft of



Rs. 5,00,000/- (five lakhs) in favour of the informant/opposite party no. 2 and handed over to her at the time of furnishing bail bond.

(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 witness, 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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