

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8075 of 2023

Arising Out of PS. Case No.-584 Year-2015 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

Abdul Rahman, Son Of Late Md. Haroon R/O Village- Bahera Tole, Kaziyana
Sheikh Tole, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Musrat Praveen Wife Of Abdul Rahman, D/O Md. Suahil R/O Village-
Nazara Mahmada Kachhari Tola, P.O. And P.S.- Manigachi, District-
Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar
For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-04-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Complaint Case No. 584 of 2015 (Tr. No. 899 of 2022),
registered for the offences punishable under Sections
498(A), 323, 379, 386, 307 and 34 of the Indian Penal
Code.

The prosecution case as emerges from the F.I.R. is
that the marriage of the complainant, namely, Musrat
Praveen was solemnized with the petitioner according to
Muslims rites and customs about 10 years ago. After some



times, the husband and his family members started torturing her for non-fulfillment of illegal demand of dowry, and ultimately they ousted her from her matrimonial home after snatching her goods.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that on account of matrimonial discord, the wife of the complainant has filed this false case. He also refers to the statement of the complainant wife which she had made on solemn affirmation before the court below before taking cognizance and as per the statement made by the complainant before the Ld. Magistrate, the allegation is very general and omnibus in nature.

He further submits that the petitioner has been languishing in jail since 20.10.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one more case.

It is also stated in paragraph no. 2 of the bail



petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Amit Kumar Singh, Ld. Judicial Magistrate, 1st Class, Darbhanga, in connection with Complaint Case No. 584 of 2015 (Tr. No. 899 of 2022), on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

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(Jitendra Kumar, J)

