

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11155 of 2023**

Arising Out of PS. Case No.-2061 Year-2016 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Kausar @ Md. Kaisar S/O Md Hakim R/o mohalla- Sharif Ganj, P.S.-
Katihar Sahayak, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjari Khatoon W/O Md. Kaisar D/O Md. Jalaluddin R/v- Mirjapur Pawai,
Makhdumpur, P.S.- Korha, District- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 04-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
23.06.2022 in connection with Complaint Case No. 2061 of
2016, F.I.R. dated 30.09.2016 for the offences punishable under
Sections 323, 379 and 498(A) of the Indian Penal Code
alongwith ³/₄ of the Dowry Prohibition Act.

According to prosecution case, the petitioner married
two girls one after another. The complainant was married with
the petitioner on 22nd May, 2008 according to Muslim rites and
customs. After marriage she went to her Sasural and from the
wedlock, she had two sons. It is further alleged that after some



years petitioner again married with another girl who also had three daughters. After second marriage, the accused persons including the petitioner started torturing the complainant mentally and physically and also demanded dowry from her parents. Lastly she was drove out from her matrimonial house.

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 the allegation as alleged in the FIR against the petitioner is false and fabricated and the petitioner has never demanded any dowry from the family members of the complainant. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 23.06.2022.

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

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on 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 S.D.J.M. Katihar, District – Katihar, in connection with Complaint Case No. 2061 of 2016, subject to 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)

Aditi/Vikas

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