

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11793 of 2023

Arising Out of PS. Case No.-50 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

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MD. ZIYAUL RAHMAN @ ZIYAUL RAHMAN Son of Md. Nasrul R/V-
Gopi Nagar, Parsa Ward no. 1, PS- Barhara Kothi, Dist- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Bibi Nazni Khatun Daughter of Md. Safique Alam, Wife of Ziyaul Rahman
R/V- Gopi Nagar, Parsa Ward No. 1, P.S- Barhara Kothi, Dist- Purnea At
present residing at Village- Ramjuni P.S- Banmankhi Dist- Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-10-2023 Heard Mr. Ajit Ranjan Kumar, learned counsel for the

petitioner and Mr. Arun Kumar, learned APP for the State.

2. Despite valid service of notice, no one appears on
behalf of the opposite party no. 2.

3 .The petitioner is apprehending his arrest
connection with C.A. Case No. 50 of 2021, dated 05.01.2021
registered for the offences punishable under Section 323, 379,
498A, 504, 506 of the Indian Penal Code and Section 3/4 of the
Dowry Prohibition Act.

4. Petitioner is husband of the informant. Allegation
is of demand of dowry and torture for the same.

5. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition and in fact the opposite party no. 2 has left the house of the petitioner on her own sweet will and no such occurrence had taken place and she wants to live with the petitioner in her parental house and the petitioner has refused for the same and on that basis the petitioner has been implicated in the false and fabricated case only to harass the petitioner. He further submits that the petitioner is ready to keep the complainant (opposite party no. 2) as his wife with full dignity and honour but despite valid service of notice she has not chosen to appear before this Court.

6. Learned APP for the State, on the other hand, has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is husband of the complainant and the specific allegation against the petitioner that he has demanded dowry from the family members of the complainant.

7. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days 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 Sub-Divisional Judicial Magistrate, Purnea in connection with C.A. Case No. 50 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witness, 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.

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(Rajesh Kumar Verma, J)

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