

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11895 of 2023**

Arising Out of PS. Case No.-68 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

NOORUL HAQUE Son of Late Gafoor Resident of Village- Jatwa, P.S.-
Banjaria, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahnaaz Mosarrat Wife of Noorul Haque, D/O Mozibur Rahman Resident of
Village- Siswaniya, P.S.- Banjariya, District- East Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Adv.

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

=====

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

2 04-05-2023 Heard learned counsel for the petitioners and

learned counsel for the complainant as well as learned A.P.P.

for the State.

The petitioner seeks bail in connection with
Complaint Case No. 68 of 2021, dated 06.01.2021, Trial Case
No. 112 of 2021 registered for the offence under Sections
323, 341 and 498(A) of the Indian Penal Code.

The complainant is subjected to assault and torture
on account of non-fulfillment of demand of dowry. It is
further alleged that the petitioner has solemnized marriage
with the complainant concealing the fact that he has already
performed marriage with another lady.



Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R, is false and fabricated as no such occurrence has taken place. He further submits that it appears from the complaint that the petitioner has solemnized marriage with the complainant in the year 2013 and since then no complaint with regard to assault or torture on account of demand of dowry is made by the complainant before lodging of the present complaint. He further submits that the complainant has also filed a Maintenance Case No. 132(B) of 2020 before the Family Court, East Champaran, Motihari against the petitioner. He further submits that the petitioner is ready to keep the complainant as wife with full dignity and honour along with her children. A statement to that effect has already been made in paragraph No.7 of the petition. The petitioner is rotting in judicial custody since 30.11.2022.

Learned A.P.P. for the State as well as learned counsel appearing for the complainant vehemently opposed the prayer for bail of the petitioner and submits that admittedly a Maintenance Case No. 132(B) of 2020 before



the Family Court, East Champaran, Motihari and learned court below has directed the petitioner to pay maintenance amount of Rs. 5000/- to the complainant and Rs. 1500/- each to her two children but the petitioner is not obeying the order of the learned Family Court. Hence, he does not deserve to be enlarged on bail.

Considering the facts and circumstances of the case and also the fact that the petitioner is ready to keep the complainant with full honour and dignity along with her children, let the, above named, petitioner 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 learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Complaint Case No. 68 of 2021/ Trial Case No. 112 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

brajesh/-

U		T	
---	--	---	--

