

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17162 of 2023

Arising Out of PS. Case No.-531 Year-2021 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Jamal Ahmad Son of Md. Jainuddin Marhum R/V- Dhanva, P.S.- Kasma,
District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Farhat Fatma D/O Md. Nishar, Wife of Jamal Ahmed R/V- Bham, Present address- Raja Nagar, Ward No.-13, Rafiganj, P.S.- Rafiganj, District- Aurangabad (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajnish Ranjan, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the Complainant	:	Mr. Anirudh Kumar Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-10-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the complainant as well as Mr. Ram Naresh Ray, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Aurangabad Complaint Case No. 531 of 2021, Complaint Case dated 13.09.2021 for the offences punishable under Section 498(A) of the Indian Penal Code and Section 4 of D.P. Act.

3. According to prosecution case, this petitioner along with his family members assaulted and ousted the complainant out of his house due to non-fulfillment of demand of dowry.



4. 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 as per the allegation in the complaint petition, this petitioner and his family members have demanded Rs. 50,000/- as dowry and due to non-fulfillment of the same, they assaulted and ousted the complainant from their house. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. and the petitioner has never demanded any dowry from the family members of the complainant. He further submits that it appears from the impugned order itself that the matter was sent to mediation center for reconciliation between the parties and in the mediation proceeding the complainant has not participated despite of valid notice as well as communicated through telephone by the office of the Mediation Center, Aurangabad.

5. Learned counsel for the petitioner further submits that pursuant to the order dated 30.05.2023 the matter was again sent to the Mediation Center, Patna High Court for the settlement of the dispute between the parties but again due to casual approach of the complainant, the dispute between the



parties could not be resolved and thus, the mediation proceeding has failed.

6. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the allegation as alleged in the complaint petition is very serious and this petitioner is used to torture the complainant.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Aurangabad Complaint Case No. 531 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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