

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13501 of 2023

Arising Out of PS. Case No.-181 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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MD. NAZIR @ MD. NAJIR @ MD. NAGIR S/O MD. ALI @
MOHAMMAD ALI Resident of village- Sahuri Ward No.- 2, P.S.- Birpur,
District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. GULNAZ KHATOON S/O MD. NAZIR @ MD. NAJIR @ MD. NAGIR
Resident of village- Lakhminia, P.S.- Ballia, District- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
23.07.2022 in connection with Complaint Case No. 181C of
2022 for the offences punishable under Sections 498(A), 323,
406 of the Indian Penal Code and Section 4 of Dowry
Prohibition Act, but later on Court has taken cognizance under
Section 498(A) of the Indian Penal Code and Section 3/4 of
Dowry Prohibition Act.

According to prosecution case, petitioner, who is
husband of the complainant is said to have ousted the
complainant from her matrimonial home in association of her



family member over the dowry demand.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the complaint petition that there is general and omnibus allegation against the petitioner and the petitioner has never demanded any dowry as alleged in the complaint petition. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 23.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Sub-Divisional Judicial Magistrate, Begusarai in connection with Complaint Case No. 181C of 2022, subject to the 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)

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