

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14440 of 2023

Arising Out of PS. Case No.-444 Year-2022 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

MD. FIROZ S/O MD. JUMARATI Resident of Village- Navtoliya, Ward No.-
01, P.S.- Bangaon, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ishrat Khatoon W/O Md. Firoz, D/O Md. Siddaki Resident of Village-
Naulakha, Navtoliya, Ward No.- 01, P.S.- Bangaon, District- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-10-2023 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complainant Case No.444(C) of 2022, dated 10.05.2022 registered for the offence punishable under Sections 323, 341, 498A and 504/34 of the Indian Penal Code.

3. As per the prosecution case, complainant was married with Md. Kiroz as per Muslims rites and Customs before ten years back thereafter she went to her Sasural. She birthed two children. After some time her husband and inlaws started torturing both mentally and physically. Then she had filed a complaint case before the Court which has been disposed on the basis of compromise in which her husband agreed to



keep her along with children with dignity. Further alleged that her husband performed second marriage and stopped her expenses. On 02.07.2016, a *panchayati* was held between the parties in which the petitioner accepted that he keeps the complainant along with children with respect and maintained their expenses. On 03.05.2022, she was assaulted by her husband on the pretext of demand of maintenance from her husband assaulted and dragged in her matrimonial home. Accused gave order the other accused persons to kill the complainant by administering poison then she informed her parents. Her relatives came at her matrimonial there accused persons misbehaved with them and stated that the complainant's husband. performed second marriage with another girl then she would not be allowed to reside at his house. She suspected that she being killed by her husband and in-laws at her matrimonial home.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint is false and fabricated and the petitioner has not committed any offence as alleged in the complaint. Further submits that the complainant at present resided at her



matrimonial house. Further, submits that the petitioner is ready to pay Rs.2500/- per month to the complainant and submit a proof of the payment before the court below.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, 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 anticipatory 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 Judicial Magistrate, Ist Class, Saharsa in connection with Complainant Case No.444(C) of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) If the petitioner is fails to pay the maintenance Rs.2500/- to the complainant, the complainant has liberty to move before the competent court of law for cancellation of his bail bond.

(ii) 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 bonds shall be cancelled by the Court below.

(iii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iv) 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 antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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