

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18419 of 2023

Arising Out of PS. Case No.-132 Year-2018 Thana- NAANPUR District- Sitamarhi

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NAZIM ANSARI SON OF MD JAMSHAIID @ MOHAMMAD JAMSHED
RESIDENT OF VILLAGE- KURHAR, PS- NANPUR, DISTT- SITAMARHI

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. RAZIYA KHATOON WIFE OF NAZIM ANSARI RESIDENT OF
VILLAGE- KUHAR, PS- NANPUR, DIST- SITAMARHI, AT PRESENT
R/V- FAIZPUR, PS - NANPUR, DISTT- SITAMARHI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.
For the Opposite Party/s : Mr.Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-10-2023 Heard Mr. Santosh Kumar, learned counsel for the
petitioner and Mr. Asha Kumari, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Nanpur P.S. Case No. 132 of 2018 registered for the offence
under Sections 341, 323, 307, 498(A), 504, 506/34 of the Indian
Penal Code and Section 3/4 of the D.P. Act.

The informant is subjected to assault and torture on
account of non-fulfillment of demand of dowry by the petitioner
and others and she has been attempted to be killed by sprinkling
kerosene oil by the accused persons.

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 and the petitioner has not committed any offence. He further submits that as a matter of fact the informant/O.P. No.2 does not want to reside with the petitioner. He further submits that the petitioner is always ready to keep the informant/O.P. No.2 as wife with full honour and dignity. He further submits that the petitioner has never assaulted the informant nor he demanded any dowry from the informant.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that though there is serious allegation against the petitioner that he has tried to kill the informant but he fairly submits that no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence and despite valid service of notice, the informant has chosen not to appear before this Court.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 S.D.J.M., Pupri, Sitamarhi in connection with Nanpur P.S. Case No. 132 of 2018, subject to the conditions



laid down under Section 438(2) of the Cr.P.C. as also 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)

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