

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21848 of 2022

Arising Out of PS. Case No.-623 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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Md. Shahzaad @ Sonu, Son of Md. Hasim Resident of Mohalla - Sagar Pokhra, Purbi Ghat, Ward No. 34, P.S. - Bettiah Town, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Tahira Khatoon @ Priyanka Kumari Wife of Md. Shahzaad @ Sonu Resident of Mohalla - Sagar Pokhra, Purbi Ghat, Ward No. 34, P.S. - Bettiah Town, District - West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
For the State	:	Mr. Mohammed Arif, APP
For the informant	:	Mr. Sujit Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 01-02-2023 Heard learned counsel for the petitioner, learned APP
for the State as also the learned counsel for the informant.

The petitioner apprehends his arrest in connection with Bettiah Town P.S. Case No.623 of 2019 instituted under Sections 498A/34 of the Indian Penal Code and ³/₄ of the Dowry Prohibition Act.

As per the FIR, the informant was married in the year 2009 and after marriage she was tortured by her husband and in-laws for non-fulfillment of motorcycle and Rs.1,50,000/-. Accordingly, the FIR was lodged.

On the last occasion, a coordinate bench of this Court



on 03.11.2022 had sent the matter for mediation and according to the report dated 19.01.2023, the mediation has failed.

Learned counsel for the petitioner submits that he is ready to keep his wife with full dignity and honour and till any order is passed by the concerned court, he is ready to pay Rs.8000/- to the lady as also Rs.2000/- to his daughter for their maintenance.

Learned counsel for the informant on the other hand opposes the prayer for anticipatory bail submitting that she was tortured.

Considering the fact that the petitioner do not have criminal antecedent, will be cooperating in the investigation and will ultimately face the trial, this Court is inclined to grant him privilege of bail subject to payment of Rs.10,000/- by 10th of every month beginning February, 2023 to the informant which will be deposited in her Bank Account.

Learned counsel for the informant will be providing the account number of the lady and in that case the amount will be deposited in her Bank Account.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing



bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Bettiah Town P.S. Case No.623 of 2019 to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



(vi) if he fails to abide by the conditions and/or make payment of Rs.10,000/- by 10th of every month as offered by him, the informant will be free to take recourse to legal remedy for cancellation of his bail.

The anticipatory bail application allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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