

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21490 of 2023

Arising Out of PS. Case No.-834 Year-2018 Thana- COMPLAINT CASE District- Supaul

Md. Mustaque @ Musan S/O Md. Alam R/O Village- Chhatpur ward no. 2,
post office- Surpataganj, P.S- Chhatapur, Distt.- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Samima Khatoon @ Simakhatoon W/O Md. Mustaqu 2 Musan, D/O Md. Sikandar R/O Jhakhargadh ward no. 2. Post Officer- Surpatganj, P.S- Chhatapur, Distt.- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Kumar Mehta, Advocate
For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Complaint Case No. 834C of 2018 filed on 04.09.2018 in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323 & 504 of the Indian Penal Code.

3. As per prosecution case, the petitioner is the husband of the complainant and allegation is that the petitioner ousted the complainant from his house on account of non-fulfillment of dowry demand of Rs.One lakh.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner never demanded any dowry and never tortured and treated the complainant with cruelty. On the other hand, the complainant tortured the petitioner and she has been forcing him to live with her parents. The complainant was in habit of leaving her matrimonial house and going to her parents without consent of the petitioner. The petitioner is in custody since 16.07.2022 and petitioner is having no criminal antecedent

5. Learned APP opposes the prayer for bail submitting that the petitioner tortured the complainant and threw her out of his house.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Supaul/concerned court in connection with Complaint Case No. 834C of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

