

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21570 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- MAHILA P.S. District- Munger

MD. SHAHNOOR ALAM S/o- ABDUL QAIYUM @ Kayum Village-
Banaudha Ps- Mufassil Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 14-07-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since 18.01.2023 in connection with Mahila P.S. Case No. 23/2022, dated 10.09.2022, for the offences punishable under Sections 498A, 341, 323, 313, 504, 376, 506, 34 of the IPC & Sections 3/4 of D.P. Act.
3. According to prosecution case, the petitioner along with other co-accused persons tortured the informant due to non-fulfillment of the demand of dowry. It is also alleged that the petitioner has committed rape upon the informant and also assaulted her due to which her pregnancy was terminated.
4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is brother-in-law of the informant. He further submits that from bare perusal of the F.I.R., it appears that there is general and omnibus allegation against all the accused persons including the petitioner. 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 as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 18.01.2023.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner.

6. 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 S.D.J.M., Munger in connection with Mahila P.S. Case No.23/2022, subject to 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 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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