

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24379 of 2023

Arising Out of PS. Case No.-82 Year-2017 Thana- MAHILA PS District- Katihar

MD. SHARIF @ RAZA @ RAJA son of Md. Shalim Village- Dimandi Ps-
Korha Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nasrin Praveen wife of Md. Sharif @ Raza Village- Dimandi Ps- Korha
Dist- Katihar Present Village- Jamalpur ward no-16, Nawal Kishore Tola Ps-
Gogri Dist- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abdul Mannan Khan, Advocate
Mr. Shiv Kumar, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-07-2023 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
02.01.2023 in connection with Mahila P.S. Case No. 82 of 2017
(G.R. 5886/2017), F.I.R. dated 14.12.2017 for the offences
punishable under Sections 498A, 323, 341, 379, 506, 34 of the
Indian Penal Code and Section 3 and 4 of Dowry Prohibition
Act.

3. According to prosecution case, petitioner, who is
husband of the informant/opposite party no.2 is said to have
ousted the informant/opposite party no.2 from her matrimonial
home in association of her family member over the dowry



demand.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has never demanded any dowry from the informant and her family member and as far as the order of the learned trial court in the maintenance case it appears from the order sheet itself that the order is ex-parte order and the petitioner has no knowledge at all of that order. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 02.01.2023.

5. The counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner had not comply the order dated 12.12.2019 passed in Maintenance Case No.17M/2018 direction the petitioner to pay Rs.6000/- per month but petitioner did not pay any single rupees to the informant till date.

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 Sub-Divisional Judicial Magistrate, Katihar in connection with Mahila P.S. Case No. 82 of 2017 (G.R. 5886/2017), 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)

mdrashid/-

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

