

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28529 of 2023

Arising Out of PS. Case No.-1481 Year-2017 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Majibur Rahman Son of Md. Mohsin Resident of village - Beluwa, P.S. -
Abadpur, Distt. - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Noorjabi Khatoon Wife of Md. Majibur Rahman, D/o Late Md. Kulharu
Resident of village - Beluwa, P.S. - Abadpur, Distt. - Katihar at present
residing at Bari Pokhar, P.S. - Azam Nagar, Distt. - Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
22.01.2023 in connection with C.A. Case No. 1481 of 2017 , for
the offences punishable under Sections 498A, 323, 379 of the
Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

According to prosecution case, the petitioner along
with his family members tortured the complainant due to non-
fulfillment of demand of Rs. 1,25,000/- for purchasing Tempo.



It is further alleged that they ousted her from her matrimonial home.

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 not committed any offences as alleged in the F.I.R. and he is ready to keep the complainant as a duly wedded wife with full honour and dignity. He further submits that from perusal of the impugned order it appears that the learned Court below has tried to endeavor to settle the matter between the parties but the same has not been compromised and it appears from the order itself that there was no scope of settlement between the parties. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 22.01.2023.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Judicial



Magistrate 1st Class, Katihar in connection with C.A. Case No. 1481 of 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)

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