

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33845 of 2022

Arising Out of PS. Case No.-40 Year-2020 Thana- MAHILA P.S. District- Muzaffarpur

Dr. Md. Sarfuddin @ Dr. Md. Sarfuddin Ahmad S/o Late Md. Salahuddin
Resident of Village - Darwa East Tola Pyarepur, P.S.- Isuapur, District -
Chapra, Saran, Bihar- Presently Posted As Medical officer, Public Health
Centre, Barharia, Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Dr. Nuzhat Parveen Wife of Dr. Md. Sarfuddin and Daughter of Haji
Mohammad Hakim Resident of Village - Derwa East Tola Pyarepur, P.S.-
Isuapur, District - Chapra, Saran, Bihar- Presently Residing at Mehta
Compound, Jail Road, P.S. - Town, Dist.- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Advocate
For the Informant	:	Md. Kamaluddin, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 03-10-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the Informant and Mr. Lalan
Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest
connection with G.R. no. 3393 of 2020 arising out of Mahila
(Muzaffarpur) P.S. Case No. 40 of 2020, F.I.R. dated 06.08.2020
registered for the offences punishable under Sections 448, 341,
506, 406, 323, 420, 498(A)/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the informant
namely Dr. Nuzhat Parveen was posted as Doctor in Referral



Hospital, Phulwaria, Gopalganj and her marriage was solemnized on 09.05.2017 with Dr. Md. Sarfuddin Ahmad. The informant went to *Sasural* but she never remained there peacefully and she was in service prior to her marriage. It is further alleged that the accused persons including the petitioner always used to demand dowry from the informant's family and on 25.07.2018 she gave birth to a female child so the atrocities of the accused persons reached up and again on several occasion, she was assaulted and thumb impression was obtained on a blank paper. It is further alleged that his husband gave divorce two times and lastly she was divorced third time by her husband so she filed Divorce Case No. 728 of 2020 on 13.07.2020, 209/2020 dated 13.07.2020, 732/2020 dated 13.07.2020 and 156/2020 dated 13.07.2020. She further alleged that the accused persons are threatening to kidnap the minor daughter and on 04.08.2020 accused petitioner and his family members along with unknown persons entered at her house. His brother-in-law was assaulted by them and there is serious apprehension of her life and her family members and on that day she was on her duty at Gopalganj.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and



the petitioner has been implicated in another case filed by the informant and it appears from the first information report that before filing of the present F.I.R. the petitioner has already filed F.I.R. against the informant on 06.08.2020 and before that the petitioner has already filed a case of restitution of conjugal rites before the competent court on 08.06.2020 and thereafter in retaliation the complainant/informant has filed the present F.I.R. against the petitioner only to harass the petitioner and his family members. 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. and as far as demand of dowry is concerned, the petitioner never demanded any dowry from the family members of the informant.

5. Vide order dated 28.11.2022, the matter was referred to the Patna High Court Mediation and Conciliation Centre for amicable settlement of the matter between the parties but the report of the learned Mediator dated 15.03.2023 suggests that the mediation proceeding could not succeed and hence the mediation has failed between the parties.

6. Learned counsel appearing on behalf of the Complainant/Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the



petitioner and submits that there is specific allegation against the petitioner and the petitioner is the husband of the informant.

7. Considering the facts and circumstances of the case and the report of the learned Mediator, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur (East) in connection with G.R. No. 3393 of 2020 arising out of Mahila (Muzaffarpur) P.S. Case No. 40 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witness, 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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