

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34799 of 2022

Arising Out of PS. Case No.-2218 Year-2019 Thana- COMPLAINT CASE District- Araria

Md Saiyyad @ Md Saiyyad Alam Son of Md. Afzal Hussain Resident of
Village - Chudipatti, Ward no.23, P.s.- and Distt.- Araria. Petitioner/s
Versus

1. The State of Bihar
 2. Afshana Khatoon W/o Md. Saiyyad Alam Resident of Village - Dhatta Tola,
Ward no.21, P.s.- Forbesganj, Distt.- Araria.
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP
For the Complainant	:	Mr. Gopal Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 05-10-2023 Heard Mr. Anil Prasad Singh, learned counsel for

the petitioner, Mr. Gopal Kumar Jha, learned counsel appearing
on behalf of the complainant as well as Mr. Umeshanand Pandit,
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 2218C of 2019, dated
03.09.2019 for the offences punishable under Sections 498A/34
of the Indian Penal Code.

3. According to prosecution case, this petitioner along
with other accused persons used to assault the complainant on
non-fulfillment of the demand of Rs. 1 lakh and one motorcycle.
It is further alleged that this petitioner has illegal relations with
other girls also.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case merely on the ground that the petitioner is the husband of the complainant. He further submits that the allegation as alleged in the complaint petition is false and fabricated and no such occurrence has taken place and the petitioner has never demanded any dowry from the family member of the complainant.

5. Vide order dated 09.02.2023 the matter was referred to the Mediation Center, Patna High Court for settlement of disputes between the parties. Report of the learned Mediator dated 07.04.2023 reveals that the dispute between the parties could not be resolved and the mediation process has failed.

6. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances and the report of learned Mediator, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Araria



in connection with Complaint Case No. 2218C of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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