

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34977 of 2023

Arising Out of PS. Case No.-1427 Year-2020 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Md. Sainul, Son Of Md. Jalil, Resident Of Village Pojhiya, Police Station-
Lalganj, District -VAISHALI

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulkasa Khatun @ Gulfisa Khatun @ Gulvasa Khatun Daughter Of Late
Md. Tahir @ Md. Tahir Resident Of Village- Rashidpur, Ward No. 8, Post -
Dalsingh Sarai, Ps- Bachhwada, Distt- Begusarai , Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in
connection with Complaint Case No. 1427 of 2020 registered on
13.11.2020 for the alleged offences under Sections 498(A) and
406 of the Indian Penal Code.

03. As per prosecution case, the complainant instituted
this case against the petitioner who is her husband for torturing
and treating her with cruelty and also for trying to burn her.

04. Learned counsel for the petitioner submits that the
petitioner is innocent and has not committed any offence. The
complainant is a cruel lady and she has being threatening the



petitioner to implicate him in a false case. Earlier in 2017 she has lodged a false case against the petitioner bearing Complaint Case No. 430 of 2017 under Section 498(A) of I.P.C. and Section 4 of the Dowry Prohibition Act, and the said case is still pending. The true fact of the case was that the complainant ran away taking cash and ornaments from the house of the petitioner and she was brought back to her matrimonial house. The complainant has performed second marriage with one Md. Saddam and she has been residing with her newly wedded husband. For this reason the complainant does not want to reside with the petitioner. The present case is completely false and concocted. The petitioner on his own surrendered before the learned court below and he is in custody since 01.04.2023.

05. Learned APP for the State opposes the prayer for bail submitting that the petitioner used to torture her wife with cruelty and there is also accusation of demand of Rs. 50,000/- and motorcycle.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that it is a case of matrimonial discord with allegation of cruelty and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner



above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai/ court concerned in connection with Complaint Case No. 1427 of 2020 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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