

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38248 of 2023

Arising Out of PS. Case No.-50 Year-2022 Thana- MAHILA P.S. District- Kishanganj

Nawed Alam @ Md. Nawed Alam son of Mozibur Rahman Ward No-17,
Janamjay Kamat Ps- Kishanganj Dist- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Refat Begum wife of Nawed Alam @ Md. Nawed Alam Ward No-17,
Janamjay Kamat, Ps- Kishanganj Dist- Kishanganj At Present- Niyamatpur
Po- Hasan Ps- Dalkhola Dist- Uttar Dinajpur W.B

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-10-2023 Heard Mr. Mrityunjay Kumar, learned counsel for

the petitioner and Mr. Atul Chandra, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Mahila P.S. Case No. 50 of 2022, F.I.R. dated
07.12.2022 for the offences punishable under Sections 498A,
307, 341, 323, 504, 506/34 of the Indian Penal Code and
Section 3/4 of D.P. Act.

3. According to prosecution case, this petitioner along
with other accused persons have assaulted the informant and
started demanding Rs. 3 lakhs from her parents.

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 not committed any offences as alleged in the F.I.R. He further submits that during the pendency of the bail petition both the parties have settled their disputes and now the informant is living with the petitioner. He further submits that as per the instruction, the informant is not pursuing the matter further.

5. The learned Additional Public Prosecutor has no objection in this regard.

6. Considering the aforesaid facts and circumstances, 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 Sub Divisional Judicial Magistrate, Kishanganj in connection with Mahila P.S. Case No. 50 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. One of the bailors shall be the informant, namely,



Refat Begam who is wife of the petitioner.

ii. 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.

iii. 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.

iv. 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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