

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39427 of 2023

Arising Out of PS. Case No.-889 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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Md. Abdullah Son of Md. Sadique Resident of village - Muriya, P.O.- Muriya,
P.S.- Sadar (Bhalpatti O.P.), Dist.- Darbhanga, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Shahnawaz Ali, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
31.03.2023, in connection with Sadar (Bhalpatti O.P.) P.S. Case
No. 889 of 2022, F.I.R. dated 30.12.2022 registered for the
offences punishable under Sections 498(a), 304(b), 120(b),
506/34 of the Indian Penal Code.

3. Allegation against the petitioner is of committing
assault and torture to the deceased for non-fulfillment of
demand of dowry.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has been falsely
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 offence as alleged in the F.I.R. and as per allegation in the F.I.R. the date of occurrence as alleged in the F.I.R. is 25.12.2022 and pursuant of the previous direction of this Hon'ble Court, learned counsel for the petitioner has produced the original passport of the petitioner which suggests that the petitioner was in Jaddah and he left India on 18.11.2022 and he returned back India on 28.03.2023 and it appears from the passport of the petitioner that on the date of occurrence he was not in India and he has been implicated in the present case only on the ground that he is husband of the deceased. The petitioner is in custody since 31.03.2023.

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

6. Considering the facts and circumstances of the case and from perusal of the passport of the petitioner it appears that the petitioner was not present in India on the date of occurrence, let the petitioner, above named, 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 Chief Judicial Magistrate, Darbhanga in connection



with Sadar (Bhalpati O.P.) P.S. Case No. 889 of 2022, 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 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 antecedents, 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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