

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47174 of 2023

Arising Out of PS. Case No.-535 Year-2019 Thana- COMPLAINT CASE District- Lakhisarai

Md. Rabbani Son Of Late Md. Muslim Residence Of Village- Railpar Azad Basti, Lal Chowk, Post And P.S. Asansul, District- Vardman (West Bengal)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rozi Khatoon Wife Of Md. Sagir D/O Md. Nawab Alam, Residence Of Village- Railpar Azad Basti, Lal Chowk, Post And P.S. Asansul, District- Vardman (WEST Bengal. Present Address D/O Md. Nawab Alam R/O Mir Shikar Mohalla, Ward No. 11, P.S. Barahiya, Dist.- Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binay Kumar, Advocate
For the Complainant	:	Mr. Om Prakash Maharaj, Advocate
For the State	:	Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-08-2023 Heard learned counsel for the petitioner, learned counsel for the Complainant and learned APP for the State.

2. Petitioner seeks bail, who is in custody since 24.03.2023, in connection with Complaint Case No. 535C of 2019, Complaint petition dated 25.09.2019 registered for the offences punishable under Sections 323, 504, 506, 498(A), 120(B), 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with his family members did not provide the complainant food and medical treatment during the pregnancy period and also tortured her mentally and physically for non fulfillment of



demand of dowry and also they do not permit her to speak with her husband.

4. Learned counsel for the petitioner submits that the petitioner carries one more case other than the present one and he has been falsely implicated in the present case merely on the ground that the petitioner is father-in-law of the complainant. He further submits that from a bare perusal of the complaint petition it appears that there is general and omnibus allegation against all the accused persons including the petitioner and the petitioner is in custody since 24.03.2023.

5. The learned counsel for the Complainant appears and vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, 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, Lakhisarai in connection with Complaint Case No. 535C of 2019, 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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