

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49477 of 2022

Arising Out of PS. Case No.-96 Year-2022 Thana- SATHI District- West Champaran

=====

Kausher Ali @ Kaushar Miyan S/o Late Majid Miyan R/o village- Parsauni,
P.S.- Sathi, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Afsana Khatoon @ Apsana Khatoon W/o Kausher Ali @ Kaushar Miyan,
D/o Hakim Miyan R/o village- Goda Semra, P.S.- Majhulia, District- West
Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 28-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. It appears from the office note dated 27.07.2023
that the notice has been personally received by the Opposite
Party No. 2. Despite validly served notice, the Opposite Party
No. 2 has not appeared.

3. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

4. Petitioner seeks bail who is in custody since
12.05.2022 in connection with Sathi P.S. Case No. 96 of 2022,
F.I.R. dated 11.05.2022 for the offences punishable under



Sections 341, 323, 307, 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

5. According to prosecution case, this petitioner along with other accused persons have assaulted the informant due to non-fulfillment of demand of dowry.

6. 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 and the petitioner has never demanded any dowry from the Opposite Party No. 2 or from her family members. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.05.2022.

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

8. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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, Bettiah, West Champaran in



connection with Sathi P.S. Case No. 96 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 witnesses, 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 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)

Vanisha/-

U		T	
---	--	---	--

