

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51184 of 2023

Arising Out of PS. Case No.-1084 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Md Abdul Samad @ Abdul Samad S/O Md. Anwar R/O Village- Balwara
(BALUARA), Post- Ninga, P.S- Barauni, Distt.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjida Khatoon @ Soni W/O Md. Abdul Samad @ Abdul Samad, D/O Md. Yasin Present R/O Village- Salempur, Post- Noorpur, P.S- Barauni(Refinery O.P), Distt.- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mrs.Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-10-2023 Vide order dated 23.08.2023, notice was issued to the complainant/opposite party No.2 by both modes but the service report suggests that she has refused to receive notice.

2. In view of the aforesaid, the notice is deemed to be validly served upon opposite party No.2.

3. Heard Mr.Sandip Kumar Gautam, learned counsel for the petitioner and Mrs.Shaheen Begum, learned Additional Public Prosecutor for the State.

4. The petitioner is apprehending his arrest in connection with Complaint Case No.1084C of 2022 dated 25.06.2022 registered for the offences punishable under



Sections 323,498(A), 406,504,34 of IPC but the learned court below has taken cognizance against the petitioner only under Section 498(A) of IPC.

5. Allegation against the petitioner and other co-accused persons is of committing torture upon the victim due to non-fulfillment of demand of dowry.

6. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the complaint petition is false and fabricated and from a bare perusal of the complaint petition that the date of occurrence as alleged in the complaint petition is 17.04.2021 but the present complaint case has been lodged on 25.06.2022 after delay of 14 months without giving any explanation of delay and also 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 they have demanded the dowry from the family members of the complainant and service report suggests that she has refused to accept the notice.

7. In view of the aforesaid, this Court has no other option, let the petitioner, above named, in the event of his



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 learned Judicial Magistrate, 1st Class, Begusarai in connection with Complaint Case No.1084C 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) 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/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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/her 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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