

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56367 of 2023**

Arising Out of PS. Case No.-5 Year-2021 Thana- BAHERI District-
Darbhanga

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MOHAMMAD MISTER @MD. MISTER SON OF RAFI AHMED RESIDENT OF
VILLAGE- SARA MOHANPUR, PS- SADAR, DIST- DARBHANGA

... .. Petitioner/s

Versus

1. The State of Bihar
2. NASRIN PRAVEEN WIFE OF MD. MISTER RESIDENT OF VILLAGE- PS-
BAHERI, DIST- DARBHANGA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-12-2023 Heard Mr. Baidya Nath Prasad, learned counsel for the
petitioner and Md. Iftekhar Mahmood, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Baheri P.S. Case No. 05 of 2021 registered for the offence
under Sections 341, 323, 498(A) and 34 of the Indian Penal Code
and Section 3/4 of the Dowry Prohibition Act.

Despite valid service of notice, no one appears on
behalf of O.P. No.2.

The informant is subjected to assault and torture on
account of non-fulfillment of demand of dowry and she has
finally been ousted from her matrimonial home.

Learned counsel appearing for the petitioner submits



that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case merely on the ground that the petitioner happens to be husband of the informant. He further submits that from bare perusal of the F.I.R., it appears that there is general and omnibus allegation against the accused persons including the petitioner and in fact, the petitioner is ready to keep the informant as wife with full honour and dignity but she herself does not want to reside with the petitioner as she wants to live separately from her matrimonial house.

Learned A.P.P. for the State, on the other hand, has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 Additional Chief Judicial Magistrate-VII, Darbhanga in connection with Baheri P.S. Case No. 05 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled 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.

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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