

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55534 of 2023

Arising Out of PS. Case No.-975 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Sarafat Alam @ Md. Sharafat @ Md. Anwar S/O- Md. Jamil Akhtar
Village- Fatehpur P.S- Balrampur Dist-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Qumrul Hoda,Advocate
For the Opposite Party/s	:	Mr.Rajesh Kumar, APP
For the O.P.No.2	:	Mr. Kunwar Ajit Singh, Advocate
	:	Mr. Sanjeev Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-11-2023 Heard Mr.Md. Qumrul Hoda, learned counsel for the petitioner, learned counsel for the opposite party No.2 and Mr.Rajesh Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No.975 of 2021 registered for the offences punishable under Sections 323,498(A) of IPC and Section 3/4 of the D.P.Act.

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

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been



implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact the complainant was not living with the petitioner and the petitioner has filed a case bearing Matrimonial Suit No. 215 of 2021 before the court of Principal Judge, Family Court, Katihar for restitution of conjugal rights and when the complainant came to know about the aforesaid case then the complainant has filed the present complaint case only to harass the petitioner.

5. Learned counsel for the complainant/opposite party No.2 outrightly submits that the complainant is not ready to live with the petitioner and she wants to one time settlement with the petitioner.

6. Considering the aforesaid fact and the complainant is not ready to live with the petitioner, 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 S.D.J.M., Katihar in connection with Complaint Case No.975 of 2021, 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 bond shall be cancelled by the Court below.

(II) 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.

(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 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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