

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54229 of 2022

Arising Out of PS. Case No.-1355 Year-2019 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

Shahjad Shah, S/O- Sarfuddin Shah, R/O Village- Dala Bazar, near PNB
Bank, P.S Bharkunda, District Sonbhadra (U.P)

... .. Petitioner

Versus

1. The Sate of Bihar.
2. Anwari Khatoon, son of Shahjad Shah R/O Village Dala Bazar, near PNB
Bank, P.S Bharkunda, District Sonbhadra (U.P) at present R/O Village Sakri,
P.S Adhaura, District Kaimur at Bhabua.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP
For the O.P. No. 2	:	Mr. Ravi Shankar Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 16-05-2023 Learned counsel for the petitioner undertakes to remove
the S.R. defects within two weeks after summer vacation.

Heard learned counsel for the petitioner, learned counsel
for the complainant and learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Complaint Case No. 1355 of 2019 in
which cognizance has been taken for the offence punishable under
Section 498A of the Indian Penal Code. He has got no criminal
antecedent.

As per the prosecution story, the informant was married
to the petitioner four years back and after few days of the
marriage, the family of the petitioner started demanding a
motorcycle and a golden chain from the family of the informant



and for that, they started torturing her and finally ousted her from her matrimonial house.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the opposite party no. 2 has married to some other person with whom she has got four children.

Learned APP for the State has opposed the anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, the nature of dispute between the parties wherein the petitioner is alleging that the opposite party no. 2 is married to somebody else with whom she has got four children, the submission of learned counsel for the informant saying that there is an admitted agreement in which the petitioner and opposite party no. 2 have entered into a *Nikah* and they have got a children also from this relationship, this Court directs release of the petitioner above named on bail in the event of his arrest or surrender within a period of four weeks from today in connection with Complaint Case No. 1355 of 2019 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Kaimur at Bhabhua, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further



condition that in terms of the offer made on behalf of the petitioner that he will pay Rs.2,000/- per month to opposite party no. 2 subject to result of an appropriate proceeding in this regard before a competent court of law and such payment shall be made in the bank account of the opposite party no. 2 by 10th day of every month. The opposite party no. 2 shall provide her bank account to the petitioner.

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.

This application stands allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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