

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65798 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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1. Sanjeera Khatun @ Sanjeera Khatoon Son of Late Mohammad Murtaja havean @ havean @ Raja R/o Village - Shivram, P.S. and P.O.- Benipur, District - Darbhanga.
 2. Md. Manjar @ Md. Manjoor @ Md. Manzur Son of Late Md. Chedi R/o Village - Shivram, P.S. and P.O.- Benipur, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Ranjan, Advocate
For the Opposite Party/s	:	Mr. Nityanand, APP
For the Complainant	:	Mr. Kaushal Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-10-2023 Heard Mr. Praveen Ranjan, learned counsel for the petitioners, Mr. Kaushal Kumar Jha, learned counsel appearing on behalf of the complainant as well as Mr. Nityanand, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 22 of 2022, dated 08.02.2022 for the offences punishable under Sections 323 and 504 of the Indian Penal Code and Section ¾ of the D.P. Act.

3. According to prosecution case, these petitioners have demanded motorcycle as dowry from the complainant who has fixed his daughter's marriage with one Md. Maksud who is



son of the petitioner no. 1. It is further alleged that when the complainant denied from this and demanded his money back which was given earlier, then all the accused persons abused him.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offences as alleged in the complaint petition. He further submits that the petitioners have never received any amount from the complainant as stated in the complaint petition. He further submits that there is case and counter case between the parties and in fact, the petitioners' family have not chosen the daughter of the complainant for performing the marriage of the co-accused, Md. Maksud who is son of the petitioner no. 1 and only to harass and pressurize the family members of Md. Maksud to marry the daughter of the complainant, the present complaint petition has been filed.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners



and submits that the petitioners have received the amount as stated in the complaint petition.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and *prima facie* no case is made out under Sections 3/4 of the D.P. Act, let the petitioners, above named, in the event of 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Banipur at Darbhanga in connection with Complaint Case No. 22 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. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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