

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61756 of 2022

Arising Out of PS. Case No.-1059 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

Parwej Alam Son of Kalam Sain Resident of village - Madpa Kothi, P.S.-
Bairginiya, District - Sitamarhi

... .. Petitioner

Versus

1. The State of Bihar
2. Tasnim Fatma Wife of Parwej Alam Daughter of Md. Ayub, Resident of village - Madpa Kothi, P.S.- Bairginiya, District - Sitamarhi Presently R/O village - Ram nagar, Gai Ghat, P.O.- Gai Ghat, P.S.- Harsidhi, District - East Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Kumar Ranjit Ranjan, APP
For the Informant	:	Mr. Shakil Ahmed Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 29-04-2023 Heard learned counsel for the petitioner, Mr. Kumar Ranjit Ranjan, learned APP for the State and learned counsel for the Informant.

Petitioner in the present case is seeking pre-arrest bail in connection with Tr. No. 324/2022 arising out of Complaint Case No. 1059/2022 registered for the offences under Sections 109, 427, 498-A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

As per the prosecution story, on 02.05.2022 the complainant Tasnim Fatma was married with Perwej Alam (this petitioner). It has been alleged that the accused persons pressurized the complainant to demand her parents for purchasing the land and construct a house over the said land. After the land was purchased by the parents of the complainant in her favour, the accused persons



again started pressurizing the complainant for return of the said land in favour of this petitioner and due to non-fulfillment of the said demand, the accused persons assaulted the complainant and ousted her from her matrimonial house on 10.02.2020.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has been falsely and maliciously implicated in the present case. Learned counsel submits that the petitioner had filed restitution of conjugal right under the Muslim Marriage Law vide Matrimonial Case No. 240 of 2021 and is ready to keep the complainant wife with full honour and dignity.

Learned APP for the State as well as learned counsel for the informant are present and have opposed the prayer for anticipatory bail of the petitioner alleging that the petitioner has performed a second marriage and is living separately at Delhi.

Having regard to the submissions of learned counsel for the petitioner and the informant that the mediation in this case has failed because the petitioner has allegedly performed a second marriage and is living separately at Delhi but considering that at this stage, the petitioner is ready and willing to make some payments to take care of the informant and her minor, subject to result of the maintenance case, as submitted by learned counsel for the petitioner, for the present the petitioner shall pay a sum of Rs. 1,500/- for his wife and Rs. 1,000/- for his daughter, subject to this condition, this Court directs that the petitioner above-named in the event of his



arrest or surrender within a period of four weeks from today shall be released on **provisional bail** in connection with Tr. No. 324/2022 arising out of Complaint Case No. 1059/2022 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Miss Sudha Kumari, learned Judicial Magistrate 1st Class, Sadar, Motihari, East Champaran subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

On being satisfied with the conduct of the petitioner and compliance with his undertaking only, after a period of six months the learned court below shall confirm the provisional 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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