

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68883 of 2022

Arising Out of PS. Case No.-475 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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MD. MUSHTAQUE QURAISHI @ MUSHTAQUE QURAISHI @ MD.
MUSHTAQUE S/o Late Mashooq Quraishi @ Md. Masuq R/o Sherghati
Utarwari Mohalla- Lagan Takiya, P.S.- Sherghati, Distt- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukhsar Parween W/o Mustaq Quraishi R/o House no. 31, Baniya Pokhar,
P.S.- Civil Lines, Distt- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheikh Arkan Ahmad, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

5 03-10-2023 Heard learned counsel for the petitioner as well as Mr.

Khurshid Anwar, learned Additional Public Prosecutor for the

State.

2. In spite of valid service of notice upon the opposite
party no.2, no one appears on behalf of the opposite party no.2.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No.475 of 2021, Complaint
dated 05.04.2021 registered for the offence punishable under
Sections 498(A), 34 of the Indian Penal Code.



4. Allegation against the petitioner is of committing torture upon the victim due to non-fulfillment of the demand of dowry. The accused persons including the petitioner have tortured and not providing her food and proper medicine to the complainant and also demanded Rs.1,50,000/- as a dowry from her family members.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and has 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 petitioner and his family members never demanded any dowry from the family member of the complainant and from perusal of the complaint petition, it appears that there is general and omnibus allegation against all the accused persons including the petitioner. Further submits that the petitioner is husband of the complainant and in fact the petitioner is ready to keep the complainant as wife with full dignity and honour. It appears that in spite of notice, she has not chose to appear before this Court.

6. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts, 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 anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Gaya in connection with Complaint Case No.475 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 absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory 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 criminal antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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