

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7552 of 2024**

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

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Saddam Son of Late Hasan @ Raja Resident of Vill.-Shivram, P.S.-Benipur,  
Distt.-Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anwari Khatoon Wife of Md. Nasir Resident of Village-Badarbanna, P.S.-  
Bahera, Distt.-Darbhanga

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Deepak Kumar, Advocate  
For the State : Mr. Anish Chandra, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      10-04-2024                      Despite of valid service of notice, nobody appeared  
on behalf of the O.P. No.2.

2. Heard Mr. Deepak Kumar, learned counsel for the  
petitioner and Mr. Anish Chandra, learned Additional Public  
Prosecutor appearing on behalf of the State.

3. The petitioner is apprehending his arrest in  
connection with Complaint Case No. 22 of 2022 for the offences  
punishable under Sections 323 and 504 of the Indian Penal Code  
and Section 3/4 of the D.P. Act.

4. According to prosecution case, as per the  
allegation in the complaint petition the family members of the  
petitioner has received the amount from the complainant to



perform the marriage with co-accused person, namely, Md. Maksud who is brother of the petitioner.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that there is case and counter case between the parties. He further submits that as per the allegation in the complaint petition the family members of the petitioner has received the amount from the complainant to perform the marriage of the co-accused person, namely, Md. Maksud who is brother of the petitioner. He further submits that it appears from the complaint petition itself that the petitioner has not received any amount from the complainant or his family members. He further submits that the co-accused person, namely, Sanjeera Khatun and Md. Manjar, who happens to be the relatives of the petitioner, have been granted anticipatory bail vide order dated 18.10.2023 passed in Cr. Misc. No. 65798 of 2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts, the petitioner



having clean antecedent and prime facie no case is made out against the petitioner under Section 3/4 of the D.P. Act and the co-accused persons have granted anticipatory bail by this Court, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Benipur, 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. 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 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 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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