

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17272 of 2024

Arising Out of PS. Case No.-51 Year-2021 Thana- MAHILA PS District- East Champaran

Md. Abrarul Haque @ Abrarul Haque S/o- Md. Kamrul Village- Gadwa
Khajuriya Ps- Kotwa Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Wasida Khatoon D/o- Nesar Ahmad Village- Gadwa Khajuriya Ps- Kotwa
Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Motihari Mahila P.S. Case No.51 of 2021, lodged on
02.08.2021, under Sections 493/498A/406/34 of the Indian
Penal Code and Sections ¾ of the D.P. Act.

3. As per the prosecution, FIR has been lodged against
ten named accused persons including the present petitioner. The
allegation has been made that the petitioner committed criminal
breach of trust with the informant and on false assurance entered
into marriage with the informant in connivance with the other



family members and started demanding dowry.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that in the FIR itself it has been stated by the informant that this marriage is basically a love marriage. But counsel submits that during the development of the relation, the informant has not disclosed about herself that she has already married. In this regard, specific averment has been made in para-10 of the bail petition. Counsel submits that petitioner is an educated person. The petitioner is in custody since 18.12.2023 having no criminal antecedent. Counsel submits that charge sheet has already been filed against the petitioner.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the informant, on the other hand, vehemently opposes the prayer for bail and submits that every argument pleaded by him has been duly considered by the Court at the time of rejection of the bail application which has been inserted by the rejection order passed by the Sessions Court. Counsel further submits that even after passing the order of maintenance by the Principal Judge, Family Court, he is not providing the maintenance.



7. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sadar at Motihari, East Champaran, in connection with Motihari Mahila P.S. Case No.51 of 2021 (Trial No.2812 of 2022), subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and



(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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