

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25127 of 2024

Arising Out of PS. Case No.-165 Year-2023 Thana- ABADPUR District- Katihar

Sahid Ali S/o- Abdul Rahaman Village- Bajidpur Ps- Abadpur Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Runa Khatoon wife of Sajmul Ali, D/o- Md. Yasin Ali Village- Bishar Ps- Raiganj Dist- Uttar Dinajpur W.B

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Helal Ahmad, Advocate
For the State	:	Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Md. Helal Ahmad, learned counsel for the petitioner and Mr. Humayou Ahmad Khan, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Abadpur P.S. Case No. 165 of 2023 F.I.R. dated 03.11.2023 for the offences punishable under Sections 498(A), 406, 384, 307, 376, 511 and 34 of the Indian Penal Code and Sections 3 & 4 of Dowry Prohibition Act.

3. According to prosecution case, petitioner along with other co-accused person is said to have tortured and assaulted the informant/complainant due to non-fulfillment of the demand of dowry. It is further alleged that the petitioner has also tried to commit rape of the informant/complainant.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis that the petitioner is brother-in-law of the informant/complainant. He further submits that from a bare perusal of the F.I.R./Complaint petition it appears that the date of occurrence as alleged is on 15.08.2023 but the present complaint petition has been filed by the complainant on 10.10.2023 after delay of about two months only to falsely implicate the petitioner and other co-accused persons. He further submits that as per the allegation in the FIR as the petitioner has tried to commit rape upon her and apart from that the petitioner and the co-accused persons have also demanded the dowry. He further submits that due to some family dispute, the complainant has filed the present complaint petition against the petitioner and other co-accused persons only to pressurize them to return back the informant/complainant in her matrimonial home.

5. The learned Additional Public Prosecutor, for the State, on the other hand, has vehemently opposed the prayer for bail.

6. Considering the aforesaid facts, that the petitioner have clean antecedent and the petitioner is brother-in-law of the



informant/complainant. 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. Katihar in connection with Abadpur P.S. Case No. 165 of 2023, 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.

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(Rajesh Kumar Verma, J)

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