

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30585 of 2024

Arising Out of PS. Case No.-454 Year-2022 Thana- BELAGANJ District- Gaya

Md.Ishteyak @ Md.Ishtiyak Son Of Iftekhar Resident Of Village- Alawalpur,
P.S- Belaganj, District-Gaya

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Shahzadi Khatoon Daughter Of Moiunddin Resident Of Village- Ujjai, P.S.-
Belaganj, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Shailendra Kumar, A.P.P.
		Mr. Ujjawal Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 16-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Belaganj P.S. Case No. 454 of 2022 registered for the alleged offences under Section 341, 323, 498(A), 506 and 34 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act and 3/4 of the Muslim Woman (Protection of Rights on Marriage) Act.

03. As per prosecution case, allegation against the petitioner is that of demanding Rs. 5 lakh as dowry and, along with other co-accused persons, trying to set ablaze the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.



There is no specific allegation against the petitioner. The behavior of the informant is not good with the petitioner and his family members and she is herself not willing to stay in her matrimonial home. The petitioner and his family members tried their best to keep the informant with honour and dignity but she is not ready to live in her matrimonial home. Learned counsel further submits that during mediation talk, the informant was taken to her matrimonial home where she stayed about 1 ½ months and thereafter she called her brother and left her matrimonial home. Learned counsel reiterates that this is not a case of demand of dowry or consequent torture. The petitioner has no criminal antecedent.

05. Learned A.P.P. for the State as well as learned counsel for the opposite party no. 2 oppose the submission made on behalf of the learned counsel for the petitioner. Learned counsel for the opposite party no. 2 however, admits that the informant went to stay in her matrimonial home and stayed there for about 1 ½ months but as she was again tortured and treated with cruelty, she was forced to leave her matrimonial house.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non-specific nature of allegation and also considering the relationship of the parties, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of



eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned C.J.M., Gaya in connection with Belaganj P.S. Case No. 454 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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