

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32057 of 2024

Arising Out of PS. Case No.-355 Year-2023 Thana- SUGAULI District- East Champaran

Nadeem Shahnawaz Son of Seikh Md. Shahnawaz Resident of Ward No.- 27,
Pawaria Tola, Bagaha, P.S.- Bagaha, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Yasmin Praveen Wife of Nadeem Shahnawaz D/o Late Seikh Sanaullah,
R/o- Siswaniya Tola, Ward No.- 06, Sugauli, P.S.- Sugauli, District - East
Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Kumar, Advocate Mr. Manaur Alam, Advocate Mr. Modassir Raza, Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-05-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks anticipatory bail, apprehending his arrest, in connection with Sugauli PS. Case No.-355 of 2023 dated 19.08.2023, registered for the offences punishable under Sections 341, 323, 379, 498(A), 504, 34 of the Indian Penal Code & 3/4 of the Dowry Prohibition Act.

3. The prosecution case as emerges from the FIR is that the Petitioner along with his family members demanded dowry and tortured the informant. Due to the torture the informant, who was pregnant, lost her baby. The gift items that



is jewellery and cash were snatched and she was ousted from the matrimonial house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The present case has been filed on account of matrimonial discord and there is no truth in the allegation. He further submits that the husband-Petitioner has already filed a matrimonial case before Family Court for divorce and subsequent to filing of this divorce petition, the present criminal case has been filed by the informant wife. He further submits that the maximum punishment for the alleged offence is three years.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the



date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate, Ist Class, Motihari, East Champaran, in connection with Sugauli PS. Case No.-355 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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