

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33248 of 2024

Arising Out of PS. Case No.-1745 Year-2023 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Mohammad Farhan Ahmad Son of Late Mohammad Suhail Emam Sidhiqui
Resident of Village - Karmasi, P.S. - Husainganj (M.H. Nagar), District -
Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shakiya Tufail, wife of Mohammad Farhan Ahmad and daughter Of Tufail Ahmad Resident Of Village - Mian Ke Bhatkan, P.S. - Andar, District - Siwan, At Present Resident Of M.H. Colony, P.S. - Siwan Town (Sarai O.P.), District - Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash, Advocate.
For the State : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-05-2024 Heard Ld. counsel for the petitioner and

Ld. APP for the State.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 1745 of 2023 dated 11.12.2023, registered for the offences punishable under Section 498(A), 406, 504, 506/34 of the Indian Penal Code, but the Ld. Magistrate took cognizance under Sections 498(A) and 504 of the Indian Penal Code.

3. As per the prosecution case, there is allegation of demand of a Scorpio vehicle at the time of *bidai* of the Complainant, but anyhow on the persuasion of the relatives and



well wishers, the *bidai* of the Complainant performed. It is further alleged that after some-time of the marriage petitioner along with other co-accused persons started assaulting and torturing the Complainant on account of non-fulfillment of the said demand.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that on account of matrimonial discord, this false case has been filed by the Complainant-wife. There is nothing on record along with the Complaint which shows that there is physical violence against the Complainant. He further submits that the maximum punishment for the alleged offence is three years.

5. It has also been stated in paragraph no.3 of the bail petition that the petitioner has criminal antecedent of one case in which he is on bail.

6. It is also stated in paragraph no. 2 of the petition that petitioner has never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail.

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

8. Considering the aforesaid facts and circumstances



of the case, this application is allowed, directing the petitioner above named, to be enlarged on bail in the event of his arrest or surrender before Ld. trial court 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 Sri Amit Dagal, Ld. Judicial Magistrate. 1st Class, Siwan, in connection with Complaint Case No. 1745 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 Ld. trial court that the petitioner has any criminal antecedent, Ld. trial court shall cancel the bail bond 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 Ld. trial court that statement regarding previous bail petition is wrong, Ld. trial court shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J)

S.Ali/Shailendra

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