

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48857 of 2024

Arising Out of PS. Case No.-2264 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Turab @ Md. Torab Ali @ Md. Torab S/O Md. Mohsin @ Mustafa @
Mohsin R/O Village- Chanmpi, P.S- Rautara, Distt.- Katihar.

... .. Petitioner

Versus

1. The State Of Bihar
2. Serina Khatun @ Sirina Khatun D/O Md. Sadir, W/O Md. Turab @ Md.
Torab Ali @ Md. Torab R/O Village- Chanpi, P.S- Rautara, Distt.- Katihar.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Md Rahmatullah, Advocate
For the State	:	Ms. Sangeeta Sharma, APP
For the O.P. No.2	:	Mr. Ajeet Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 17-12-2024 Heard Ld. counsel for the petitioner, Ld. APP for
the State and learned counsel for the Opposite Party No.2.

2. The petitioner seeks bail, apprehending his arrest,
in connection with C.A. Case No. 2264 of 2022, filed for the
offences punishable under Sections 323, 498(A) of the Indian
Penal Code and Section 3 and 4 of the Dowry Prohibition Act.

3. As per allegation, after the marriage there was
demand of additional dowry of Rs. One lac and on account of
non-fulfillment of the same the petitioner/husband has entered
into second marriage with Tara Devi. Even two children are
born out of the wedlock between the petitioner/husband and
Tara Devi.



4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that he has never entered into any second marriage and he has already filed matrimonial case before the Family Court for restitution of conjugal rights against the Complainant/wife. He also submits that on account of matrimonial discord, this false case has been filed and cognizance of offence punishable only under Section 498A IPC and Section 3 and 4 of the Dowry Prohibition Act has been taken and maximum punishment prescribed 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 in 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. S.D.J.M., Katihar, in connection with C.A. Case No.2264 of 2022, 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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