

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45485 of 2024

Arising Out of PS. Case No.-260 Year-2021 Thana- PIPRAKOTHI District- East Champaran

Shamshad Alam @ Samsad Alam Son of Sk. Farmood Slam @ Sk. Farmood
Alam R/O Vill.- Koreya, P.S.- Turkauliya, Dist.- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Raunak @ Raunak Khatoon Wife of Shamshad Alam @ Samsad Alam R/O
Vill.- Koreya, P.S.- Turkauliya, Dist.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashwini Kumar, Advocate Mr. Binay Kumar, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 18-12-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Piprakothi P.S. Case No. 260 of 2021 dated 26.10.2021, registered for the offences punishable under Sections 323, 341 and 498(A)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per the allegation, there was demand of additional dowry after the marriage and on account of non-fulfillment of the same, the informant/wife has been subjected to cruelty in different way by the petitioner and other co-accused.



4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is husband and on account of poverty, the matrimonial discord has developed between the informant and the petitioner. Hence, this false case has been filed. He further submits that petitioner is ready to keep his wife. He also submits that petitioner is going to file matrimonial case for restitution of conjugal life, so that he can take his wife back to his matrimonial home. The 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 petition that the petitioner has no criminal antecedent.

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

8. Considering the aforesaid facts and circumstances of the case, **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. Chief Judicial Magistrate, East Champaran at Motihari in connection with Piprakothi P. S. Case No. 260 of 2021, 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 criminal antecedents other than the disclosed one, 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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