

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48290 of 2024

Arising Out of PS. Case No.-772 Year-2019 Thana- COMPLAINT CASE District-
Kishanganj

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Atique Raza Son of Md. Ilyas Resident of Village - Charaiya, PS-
Kochadhaman, Dist.- Kishanganj

... .. Petitioner

Versus

1. The State of Bihar
2. Nur Sehara Begum Wife of Atique Raza Resident of Village - Charaiya, PS-
Kochadhaman, Dist.- Kishanganj

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Raj Kumar, Advocate Mr. Rajnish Kumar, Advocate
For the State	:	Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 26-10-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. C 772 of 2019,
registered for the offences punishable under Sections 498(A)/34
of the Indian Penal Code and under Section 3, 4 of the Dowry
Prohibition Act, 1961.

3. As per the allegation, the marriage of the
Complainant was solemnized with the Petitioner as per Islamic
rites and customs. After some time, the accused persons
including the Petitioner subjected the Complainant/Wife to
cruelty on account of non fulfillment of demand of dowry.



4. Learned counsel for the Petitioner submits that the present false case has been lodged on account of matrimonial discord. There is general and omnibus allegation against the Petitioner and the maximum punishment of 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., Kishanganj, in connection with Complaint Case No. C 772 of 2019, 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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