

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55803 of 2023

Arising Out of PS. Case No.-321 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

Md Sahansah @ Md Manzar S/O Md Sabul R/O Village- Jaijala, Ps.
Azamngar, Dist. Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabnoor Khatoon W/O Md. Shahansha, D/O Md. Samiul R/O Village-
Dhoom Nagar, Ps. Azamnagar, Dist. Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Firoz Ahmad, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP
For the Complainant : Mr. Sanjeev Kumar Singh, Advocate
Ms. Neha Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-03-2024 Heard Mr. Firoz Ahmad, learned counsel for the

petitioner, Mr. Sanjeev Kumar Singh, learned counsel appearing
on behalf of the complainant as well as and Mr. Humayou
Ahamd Khan, learned Additional Public Prosecutor for the
State.

2. The petitioner is apprehending his arrest in
connection with C.A. No. 321 of 2022 for the offences
punishable under Section 498A of the Indian Penal Code and
Section 4 of the D.P. Act.

3. According to prosecution case, all the accused
persons including the petitioner have tortured the complainant



due to non-fulfillment of demand of dowry and also ousted her from her matrimonial house.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is the husband of the complainant. He further submits that the petitioner is always ready to keep the complainant as his wife with full honour and dignity but she is not ready to live with the petitioner. In view of the aforesaid, the petitioner has no other option and he has filed a case under Section 281 of the Mohammedan Law for restitution of his conjugal rights vide Matrimonial Case No. 100 of 2022 in which the complainant had appeared and stated that she did not want to live with the petitioner.

5. Pursuant to the direction of this Hon'ble Court, the matter was referred to the Patna High Court Mediation Centre for settlement of disputes between the parties. Report of the learned mediator reveals that the dispute between the parties could not be resolved and the mediation failed.

6. Learned counsel for the petitioner submits that when the complainant came to know about the matrimonial case filed by the petitioner then she has filed the present complaint



petition only to harass the petitioner.

7. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is the husband of the complainant and therefore, it is his duty to keep the complainant with full honour and dignity but he has not done the same and that's why the complainant has filed the present complaint petition against the petitioner.

8. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with C.A No. 321 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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