

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60351 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- SARAI District- Vaishali

Md. Saddam, Son of Md. Molajeem, Resident of Village - Matiyara Bhojpatti,
Police Station - Sarai, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rifat Khatoon, Wife of Md. Saddam, Resident of Village - Matiyara Bhojpatti, Police Station - Sarai, District - Vaishali. Presently Daughter of Md. Nijam, Resident of Village - Vishunpur Adara, Ward No.5, Police Station - Goraul, District - Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Swati Kumari, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard Ms. Swati Kumari, learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Sarai P.S. Case No. 265 of 2023 registered for the offence punishable under Sections 341, 323, 494, 498(A), 504, 506 and 34 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act.

3. Based upon the written report the prosecution alleges that the marriage of the petitioner was solemnized on 15.07.2020 as per Muslim rites and rituals. Soon after the marriage, the informant was subjected to demand of dowry and



on account of non-fulfillment of the same, she was tortured in various ways. It is also alleged that the petitioner has solemnized second marriage despite the fact that the couple blessed with a child.

4. Learned Advocate appearing on behalf of the petitioner contended that on account of some trifle, the present FIR has been instituted and in fact, it is the opposite party no. 2 who wants to live separately. Despite the aforesaid fact the petitioner is still ready to keep the informant with full dignity and honour. Be that as it may, the offences are triable by the Magistrate and now the petitioner has been incarcerated since 12.06.2024. It is also the contention of the petitioner that the learned Court below while rejecting the prayer for bail of the petitioner has completely ignored the guidelines issued by the Hon'ble Apex Court in the case of *Arnesh Kumar vs. The State of Bihar & Anr. reported in (2014) 8 SCC 273*.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that specific allegation has been levelled against the petitioner of causing assault and solemnizing second marriage.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner



has been incarcerated since 12.06.2024, now the investigation of the crime is complete and the chargesheet has been submitted, coupled with the fact that the crime in question is triable by the Magistrate, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Sarai P.S. Case No. 265 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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