

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.64334 of 2024

Arising Out of PS. Case No.-868 Year-2021 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

Harish Momin @ Md. Harish Ansari Son of Late Moinul Momin @ Late
Jainul Ansari R/o Village- Kaji Bahera P.S- Jale District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jubaida Khatoon wife of Late Md. Yunus R/o Village- Kaji Bahera P.S- Jale
District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kanchan Jha, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr. Kanchan Jha, learned counsel for the
petitioner and Mr. Bhanu Pratap Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Darbhanga Complaint Case No. 868 of 2021
corresponding to T.R No. 952 of 2022 for the offences
punishable under Sections 341, 323, 504, 379, 354/34 of the
Indian Penal Code.

3. According to prosecution case, all the accused
persons including this petitioner assaulted the complainant and
and also took her thumb print on a plain paper and also snatched
various ornaments of her.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in present
case. He further submits that the allegation as alleged in the



complaint case is false and fabricated and the petitioner has not committed any offences as alleged in the complaint case. He further submits that from perusal of the complaint petition it appears that there is no specific allegation against the petitioner rather there is general and omnibus allegation against all the accused persons including this petitioner. He further submits that earlier the complainant has filed a case vide Jale P.S. Case No. 79 of 2020 in which the police has submitted final form in favour of the petitioner because the police found the case untrue and the learned court below dropped the case and for the same set of allegations, the complainant has filed the present complaint case which is abuse of process of law.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. 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 Additional Chief Judicial Magistrate 1, Darbhanga in connection with Darbhanga Complaint Case No. 868 of 2021



corresponding to T.R No. 952 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)

Vanisha/-

U		T	
---	--	---	--

