

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65880 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- DANDARI District- Begusarai

Md. Jiyauddin Son of Late Md. Nizam @ Nizam Village- Bank W.No-10, Ps-
Dandari Dist- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahnaj Khatoon W/o- Md. Altaf @ Munna Village- Bank, W.No-10, Ps-
Dandari Dist- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-10-2024 Heard Mr. Ashok Kumar, 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 Dandari P.S. Case No. 61 of 2024, F.I.R. dated 19.06.2024 for the offences punishable under Sections 341, 323, 354(B), 298(A), 504, 506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. According to prosecution case, all the accused persons including this petitioner tortured and assaulted the informant due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of assault, overt act or demand of dowry against the petitioner rather there is general and omnibus allegation against all the accused persons including this petitioner and husband of the informant who happens to be the son of the petitioner has been granted bail by the Court below itself.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no specific allegation against the petitioner, 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 Judicial Magistrate 1st Class, Begusarai in connection with Dandari P.S. Case No. 61 of 2024,



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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