

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64302 of 2023

Arising Out of PS. Case No.-177 Year-2020 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Shahid Khan @ Sahid Khan Son of Jaleel Khan @ Md. Jaleel Khan, Resident of Village - Mahadev Chak (Mahadev Chouk), Ward No.10, Jailakha Abhiman, Sakarpura, P.S. - Bakhri, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sitara Khatoon Wife of Shahid Khan @ Sahid Khan, Daughter of Md. Rabban, Resident of Village - Singhoul Ward No.01, P.S. - Muffasil (Singhoul OP), District - Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Sandip Kumar Gautam, the learned counsel for the petitioner, the learned counsel for the informant and Mr. Md. Aslam Ansari, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 177C of 2020, dated 28.01.2020, registered for the offences punishable under Sections 498(A), 406 and 314 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act. However, the learned trial Court has taken cognizance only under Sections 323 and 498(A) of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act.



3. According to prosecution case, the complainant was tortured and abused due to non-fulfillment of dowry demand. It is further alleged that due to assault of the husband of the complainant on her abdomen, her pregnancy was terminated. It is lastly alleged that the complainant was again assaulted by her in-laws, her belongings were snatched and she was ousted from her matrimonial home, while she was three months pregnant.

4. Learned counsel for the petitioner submits that the complainant has already filed another complaint petition bearing complaint case No. 1528C of 2021, under Sections 406 and 498(A) of the Indian Penal Code and under Section 4 of Dowry Prohibition Act, in which the petitioner has been granted anticipatory bail vide order dated 24.01.2024, passed in Cr. Misc. No. 67064 of 2023.

5. The learned counsel for the informant submits that from the perusal of the order dated 24.01.2024 passed in Cr. Misc. No. 67064 of 2023, the petitioner has given undertaking before the Court that he has paid the amount as directed in maintenance case number 113(M) of 2020, but, till date the petitioner has only deposited Rs. 7,000/- (Rupees seven thousand) on 13.02.2024 after the aforesaid order.

6. Learned counsel for the petitioner submits that he



intends to give all the dues amount to the complainant.

7. In view of the aforesaid, the petitioner is directed to produce a demand draft of Rs. 1,00,000/- (Rupees one lakh), in favour of the complainant namely, Sitara Khatoon at the time of furnishing his bail bond and the rest amount shall be paid in 18 equal monthly installments.

8. Considering the aforesaid facts and circumstances and the fact that the petitioner is ready to give all the dues amount to the complainant, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Sub Divisional Judicial Magistrate, Begusarai, where the case is pending in connection with **Complaint Case No. 177C of 2020**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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.

9. Learned trial Court is directed to hand over the demand draft to the complainant or her representative and if the petitioner does not deposit the aforementioned monthly installment amount, the complainant has been given the liberty to move before the learned trial Court for cancellation of petitioner's bail bond.

(Rajesh Kumar Verma, J)

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