

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67760 of 2024

Arising Out of PS. Case No.-1501 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Nadeem Shahnawaz S/O Seikh Md Shahnawaz R/O Ward No. 27, Pawaria
Tola, Bagaha, P. S. - Bagaha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Yasmin Praveen W/O Nadeem Shahnawaz, D/O Late Seikh Sanaullah R/O
Siswaniya Tola, Ward No.-06, Sugauli, P.S- Sugauli, Distt.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manaur Alam, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr.Manaur Alam, learned counsel for the

petitioner and Mr.Syed Mojibur Rahman, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.C-1501 of 2023 (Enquiry
No.184/23), registered for the offences punishable under
Sections 109,323,120(B),498(A),406,315,380 of the Indian
Penal Code and Section 3/4 of the D.P.Act.

3. Allegation against the petitioner and other co-
accused persons is of committing torture upon the victim due to
non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case for the same set of allegation. The informant/complainant has already lodged an FIR bearing Sugauli P.S.Case No.355 of 2023 against the petitioner and other family members of the petitioner and in fact the petitioner has filed a Divorce Case against the complainant on 01.02.2023 bearing Divorce Case No.11 of 2023 before the competent court of law and then the complainant has filed the present complaint petition on 13.06.2023 and thereafter she has lodged an FIR against the petitioner on 19.08.2023 bearing Sugauli P.S.Case No.355 of 2023 and the petitioner has been granted privilege of anticipatory bail in Sugauli P.S.Case No.355 of 2023 vide order dated 22.05.2024 passed in Cr.Misc. No.32057 of 2024 and from a bare perusal of the complaint petition as well as FIR, it appears that the allegations are almost same.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, let the petitioner,



above named, in the event of his 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 learned Judicial Magistrate-1st Class, Motihari, East Champaran in connection with Complaint Case No.C-1501 of 2023 (Enquiry No.184/23), 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/her absence on two consecutive dates without sufficient reason, his/her bail bonds 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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