

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68990 of 2023

Arising Out of PS. Case No.-211 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Hafiz Mohammed Julkarnan @ Mohammad Sarfaraz S/O- Md. Jalil R/O-
Village Dakhin Mohalla Puraini, P.S.- Jagdishpur, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. BIBI SANOWAR KHATOON D/O- MD. ASHIK R/O- VILLAGE-
MAKHNA, P.S.- JAGDISHPUR, DIST.- BHAGALPUR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-03-2024 Heard Mr. Vikram Singh, learned counsel for the

petitioner and Mr. Mritunjay Kumar Nirala, learned APP for the

State.

2. It appears that notice has personally been served
upon the Opposite Party No. 2 and despite valid service of
notice, no one appears on behalf of the opposite party no. 2.

3. The petitioner is apprehending his arrest
connection with C.A. 211 of 2018, dated 17.02.2018 registered
for the offences punishable under Sections 323, 341, 498(A)/34
of the Indian Penal Code.

4. Allegation against the petitioner is of demand of
dowry of Rs. 50,000/- and due to non-fulfillment of the same he
started torturing mentally and physically in various manner.



5. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. He further submits that the petitioner has been made accused merely on the ground that the petitioner is the husband of the complainant and 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 the petitioner.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhagalpur in connection with C.A. Case No. 211 of 2018, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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