

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70918 of 2023

Arising Out of PS. Case No.-248 Year-2021 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Md. Mustak @ Mustak Ansari Son of Md. Ashraf Ansari @ Md. Ashraf Ali
Resident of Village-Hussaina Khurd, P.S.-Goraul, District-Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shamila Khatoon wife of Md. Mustak @ Mustak Ansari, D/o- Nabi Hasan
Village- Ashoi Lakhiram Ps- Bhagwanpur Dist- Vaishali

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Despite of validly served notice and inter appearance

through Vakalatnama, no one appears on behalf of the Opposite

Party No. 2.

2. Heard Mr. Santosh Kumar, learned counsel for the

petitioner and Mr. Md. Anzarul Haque Sahara, learned

Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Complaint Case No. 248 of 2021 for the

offences punishable under Section 498A of the Indian Penal

Code.

4. According to prosecution case, the complainant

was subjected to cruelty due to non-fulfillment of demand of

motorcycle. It is further alleged that she was ousted from her

matrimonial house.



5. 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 in fact, the marriage was performed in the year 2014 and the present complaint petition has been filed in the year 2021 and in between the years 2014-2021 no complaint has been found against the petitioner. He further submits that from perusal of the complaint petition, it appears that there is no specific allegation of any assault or overt act rather there is general and omnibus allegation against all the accused persons including the petitioner.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is the husband of the complainant and he is required to maintain his wife with full honour and dignity.

7. 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 I, Vaishali at Hajipur in



connection with Complaint Case No. 248 of 2021, 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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