

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71600 of 2023

Arising Out of PS. Case No.-437 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

Parvej Alam @ Pravej Alam @ Md. Pravej Alam Son Of Late Tahir Hussain
Resident Of Village- Jaisinghpur, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sajda Khatoon Wife Of Parvej Alam @ Pravej Alam @ Md. Pravej Alam
D/O Ausar Ali, At Present Residing At - Gadhwa Khajuriya, P.S.- Kotwal,
District- East Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Advocate
For the State	:	Mr. Rajesh Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Despite of valid service of notice upon the O.P.
No.2, nobody appears on behalf of the O.P. No.2.

2. Heard Mr. Madhurendra Kumar, learned counsel
for the petitioner and Mr. Rajesh Kumar, learned Additional
Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 437 of 2021 for the
offences punishable under Sections 313, 314, 307, 323, 327,
341, 379, 406, 420, 498(A) of the Indian Penal Code, Sections 3
& 4 of the D.P. Act and Sections 22 & 23 of the Prenatal Pre
Diagnostic Act but the cognizance has been taken under
Sections 323, 341, 498(A) of the Indian Penal Code against the



petitioner and others co-accused persons.

4. According to prosecution case, allegation against the petitioner and other co-accused persons is of committing torture upon the victim due to non-fulfillment of the demand of dowry.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case merely on the ground that the petitioner is husband of the complainant. He further submits that from a bare perusal of the complaint petition it appears that there is no specific allegation of any assault or overt act rather general and omnibus allegation is attributed against the petitioner.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is husband of the complainant and it is the duty of the petitioner to keep her wife with full honour and dignity but the petitioner has failed to do so and apart from that the petitioner carries two more cases other than the present one but fairly submits that he is on the bail in the pending matters.

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 Judicial Magistrate 1st Class, East Champaran, Motihari in connection with Complaint Case No. 437 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)

ajay/-

U		T	
---	--	---	--

