

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73879 of 2023

Arising Out of PS. Case No.-71 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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Md. Wasim Khan Son Of Md. Ujair Khan Resident Of Village - Manda Tand,
Post - Mahesh Manda, P.S. - Bengabad, District - Giridih (JHARKHAND)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Faujiya Sultana D/O. Late Md. Haseen Khan Resident Of Village -
Dhanawan, Post - Sarwan Bazar, P.S. - Barachatti, District - Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Shyam Bihari Singh, APP
For the Complainant	:	Mr. Md. Abu Shajar, Advocate
		Mr. Md. Abu Haidar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Sudhir Kumar Sinha, learned counsel

for the petitioner, Mr. Md. Abu Shajar, learned counsel

appearing on behalf of the complainant as well as and Mr.

Shyam Bihari Singh, learned Additional Public Prosecutor for

the State.

2. The petitioner is apprehending his arrest in

connection with Complaint Case No. 71 of 2021 for the offences

punishable under Sections 323 and 498A of the Indian Penal

Code.

3. According to prosecution case, this petitioner along

with other accused persons have assaulted the complainant and



ousted from her matrimonial house due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the ground that the petitioner is husband of the complainant. He further submits that it appears from the complaint petition that there is no specific allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner along with other accused persons have assaulted the complainant.

6. 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 Sub Divisional Judicial Magistrate, Sherghati, Gaya in



connection with Complaint Case No. 71 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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