

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74613 of 2023

Arising Out of PS. Case No.-553 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Md. Mokim S/O Late Md. Taiyab, Village- Chakyusuf, PS- Gogri, Dist. Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Praveen Khatoon @ Punam Khatoon D/O Noor Mohamd, W/O Md. Mokim, Village- Narayanpur, PS.- Bihpur (Bhawanipur), Dist. Bhagalpur.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 03-04-2024 Heard Mr. Rajesh Kumar, the learned counsel for the petitioner, the learned counsel for the informant and Mr. Mritunjay Kumar Nirala, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 08.02.2023 in connection with Complaint Case No. 553 of 2018, dated 12.10.2018, registered for the offences punishable under Sections 498(A), 323, 109, 307, 323, 406 and 506 of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act.

3. Earlier the petitioner has filed anticipatory bail petition in Cr. Misc. No. 2921 of 2020 and the Hon'ble Court

vide order dated 24.01.2020 was pleased to grant provisional bail to the petitioner, thereafter the petitioner has filed regular bail petition before this Court in Cr. Misc. No. 44761 of 2022 and this Court vide order dated 16.02.2023 was pleased to grant regular bail to the petitioner with certain conditions and again the petitioner has filed a modification application in Cr. Misc. No. 28111 of 2023, which was dismissed by this Court vide order dated 26.04.2023.

4. According to the prosecution case, one Praveen Khatoon @ Punam Khatoon alleges that due to non-fulfillment of demand of dowry her in-laws torture her. It is further alleged that on 10.10.2018 her husband left her to her parental home.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the petitioner is not in a position to comply with the terms and conditions in the order dated 16.02.2023, passed in Cr. Misc. No. 44761 of 2022 and it appears from the order dated 16.02.2023 passed in Cr. Misc. No. 44761 of 2022 was passed in presence of the learned counsel for the petitioner and despite

of that the petitioner has not complied with the order dated 16.02.2023 and he has stated in modification application bearing Cr. Misc. No. 28111 of 2023 that he earns only Rs. 9,000/- (rupees nine thousand) per month and he is ready to pay Rs. 3,000/- (rupees three thousand) per month to the informant without fail.

6. In view of the aforesaid, petitioner is directed to pay Rs. 4,000/- (rupees four thousand) per month to the informant. Learned counsel for the informant has furnished the bank account details of the Opposite Party No. 2, which is as follows:

A/c No. - 3042001700100226
IFSC Code - PUNB0304200

7. The learned counsel for the informant and the learned Additional Public Prosecutor for the State has no objection to aforementioned direction.

8. Considering the aforesaid facts and circumstances, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Naugachia, Bhagalpur, in connection with **Complaint Case No. 553 of 2018**, subject to the following conditions:

(i) Petitioner is directed to pay Rs. 4,000/- (rupees four thousand) at the time of furnishing the bail bond by way of demand draft in favour of the Opposite Party No. 2 and shall deposit Rs. 4,000/- (rupees four thousand) per month in the bank account of Opposite Party No. 2.

(ii) If the petitioner fails to deposit the amount in the said bank account of the Opposite Party No. 2, the learned trial Court would be at liberty to cancel the bail bond of the petitioner.

(iii). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(iv). 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.

(v). And further condition that the trial Court 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 trial Court 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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