

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81428 of 2024

Arising Out of PS. Case No.-837 Year-2023 Thana- SERGHATI COMPLAINT CASE
District- Gaya

=====

Md. Mokhtar Alam, son of late Samsuddin, Resident of Village- Diwania Tola, Kazra Tand, P.S.- Dhangai, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabra Khatoon, Daughter of- Ali Hussain, Wife of Mokhtar Alam, Resident of Village- Diwania Tola, Kazra Tand, P.S.- Dhangai, District- Gaya, At Present Village- Sahadekhap, P.S. Magadh University, Bodh Gaya, District- Gaya.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mr. Jogendra Kumar, Advocate.
For the State	:	Mr. Kanhiya Kishor, APP
For the Opposite Party No.2:	:	Mr. Hafiz Shahbaz Arif, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and Ld. APP
for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Sherghati Complaint Case No. 837 of 2024, registered for the offences punishable under Sections 498-A and 323 of the Indian Penal Code.

3. As per allegation, the petitioner/husband had demanded additional dowry and on account of non-fulfillment of the same the Opposite Party No. 2/wife was subjected to cruelty.



4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. The marriage is not working on account of suspicion that the petitioner has got illicit relationship with another lady. Hence, false allegation has been made by the wife/complainant. He also submits that the petitioner is ready to keep his wife in the matrimonial home along with two children.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 that the petitioner has clean antecedent.

7. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail submitting that the petitioner/husband is not keeping the complainant/wife and children in her matrimonial home nor he is paying any maintenance to them.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his



furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya, in connection with Complaint Case No. 837 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

S.Ali/-

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

