

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85394 of 2023

Arising Out of PS. Case No.-9901 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Md. Shahjad S/o Abdul Raheem, R/o Maujipur, P.S-Nadi, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Heena Hassan W/o Md. Shahjad, R/o Maujipur, P.S-Nadi, District-Patna, at present residing at C/o Late Hasim, R/o Banskoti, P.S-Digha, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Raj Shekhar, the learned counsel for the petitioner, the learned counsel for the complainant and Mr. Nagendra Prasad, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 9901(C) of 2022, dated 18.08.2022, registered for the offence punishable under Section 498(A) of the Indian Penal Code.

3. According to prosecution case, the complainant was tortured by her husband and in-laws over non-fulfillment of dowry demand and was later ousted from her matrimonial home.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and he has never demanded dowry from the family members of the complainant and after enquiry, the learned trial Court has taken cognizance only under Section 498 of the Indian Penal Code. He further submits that petitioner is ready to keep the complainant as his wife but she is not ready to live with the petitioner and petitioner is ready to pay Rs. 5,000/- (Rupees five thousand) per month to the complainant as interim maintenance till the disposal of the maintenance case, if any filed by the complainant.

5. The learned counsel for the complainant and the learned Additional Public Prosecutor for the State on the other hand has no objection to the aforementioned contention.

6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, Patna Sadar, where the case is pending in connection with **Complaint Case No.**

9901(C) of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i) Petitioner shall pay Rs. 5,000/- (Rupees five thousand) at the time of furnishing the bail bond by way of demand draft in favour of the complainant namely, Heena Hasan and the learned trial Court is directed to hand over the said demand draft to the complainant or her representative, and the petitioner shall deposit Rs. 5,000/- (Rupees five thousand) per month in the bank account of the complainant, furnished by the learned counsel for the complainant, which is as follows:

Name : Heena Hasan
Account No. : 34399487417
IFSC Code : SBIN0003559

(ii) If the petitioner fails to deposit Rs. 5,000/- (rupees five thousand) per month in the said bank account of the complainant, the complainant shall be at liberty to move before the learned trial Court for cancellation of 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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