

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4811 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- PURNIA COMPLAINT CASE District-
Purnia

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SADDAM KURAISHI @ MD. SADDAM KURAISI SON OF ANWARUL
KURAISHI RESIDENT OF VILLAGE- LAKHNA, P.S.- KASBA,
DISTRICT- PURNIA.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHABHO KHATOON D/O GULAM MURTUZA, W/O SADDAM
KURAISHI @ MD. SADDAM KURAISI R/O VILLAGE- LAKHNA, P.S-
KASBA, DISTT.- PURNEA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Dhananjay, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 22-11-2024 Heard learned counsel for the petitioner, the State
and the informant.

2. The petitioner is apprehending arrest in connection
with C.A. Case No. 25 of 2023 instituted under Sections 323,
498(A)/34 of the Indian Penal Code filed by the O.P. No.2.

3. As per the prosecution story, the lady was married
to the petitioner but was tortured for dowry which ultimately
resulted into the present FIR.

4. In this case, the matter was sent to the Mediation
Center but as per the report dated 22.05.2024, the same failed.

5. Both the petitioner and the informant have different



version to say, this Court after going through the facts of the case as also the material on record coupled with the fact that the a Divorce Suit has already been filed before the learned Principal Judge, Family Court, Purnea in Case No. 126 of 2022, in which the informant has also filed the maintenance petition, for two years, the lady is living in her parents home without any penny granted by the petitioner, in that background, this Court deems it appropriate, particularly in the background of the fact that he is having his own business of Mutton Shop, on the undertaking given by him that he will be paying Rs. 5,000/- per month till the Maintenance Court passes an order, this Court is inclined to extend him the privilege of bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with C.A. Case No. 25 of 2023 to the satisfaction of learned Judicial Magistrate-1st Class, Purnea subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. It is made clear that the petitioner will be making payment of Rs. 5,000/- per month in the Bank Account of O.P. No.2 which is for a limited period inasmuch as the moment the Maintenance Court will pass an order, this order shall merge with the said order. In case, the order passed by the Maintenance Court is lower to what has been given by this Court, the petitioner will not be entitled to realize the said amount.

10. Failure to do so, the other side always have the



option to prefer a petition.

11. The learned Principal Judge, Family Court, Purnea is directed to expedite the Maintenance Case of the petitioner and pass an order preferably within a period of six months from today.

12. The petition stands disposed of.

(Rajiv Roy, J)

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