

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4039 of 2025

Arising Out of PS. Case No.-5 Year-2024 Thana- KADWA District- Katihar

Parwej Alam @ Md. Parwej Alam Son of Md. Afsar Ali @ Afsar Ali Resident
of Village - Sikorna Kalliyani, P.S. -Kadwa, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Adv. Mr. Birendra Kumar, Adv Mr. Arvind Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr. Nityanand, APP
For the Informant	:	Mr. Sanjeev Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2025 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

02. In the present case, the petitioner seeks bail in connection with Kadwa P.S. Case No. 05 of 2024, registered on 05.01.2024 for the offences under Sections 498(A), 406, 420 and 313 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

03. As per prosecution case, the complainant/informant and the petitioner established physical relationship and when the informant became pregnant, her pregnancy was aborted by the petitioner by administering her some medicine. Subsequently, the petitioner solemnized



marriage with the informant who was driven out from her matrimonial home. Further allegation against the petitioner is that he also prepared forged paper of *Khula Talaknama*.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner and informant have been residing at the same place for the purpose of study and the informant/complaint is trying to take advantage of this fact. Story of the informant is not believable as the informant has not lodged any complaint about her abortion and allegation of misbehavior is false and concocted. The informant herself sent a *Khula Talaknama* by registered post to the petitioner and the police, during investigation, found it to be a genuine paper. The petitioner has also lodged Complaint Case No. 2258 of 2023 before the Chief Judicial Magistrate, Katihar. The present case has been lodged against the petitioner and other co-accused persons for unduly pressurizing them in allowing solemnization of marriage of the petitioner with the informant. Petitioner is a student aged about 21 years and is having clean antecedent. Learned counsel further submits that though the matter was sent for mediation, the mediation failed as the informant has been demanding unreasonable amount which the petitioner could not pay. The



petitioner is in custody since 20.09.2024 and charge-sheet has been submitted.

05. Learned APP for the State as well as learned counsel for the complainant vehemently oppose the prayer for bail. Learned counsel for the complainant submits that the petitioner induced the informant in establishing physical relationship and even solemnized marriage but he has not willing to keep the complainant and also caused abortion of pregnancy of the complainant.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Katihar in connection with Kadwa P.S. Case No. 05 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

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

