

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17313 of 2025

Arising Out of PS. Case No.-167 Year-2023 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Md. Irfan Son of Md. Najam Resident of Village- Marui, P.S.- Roh, Distt.-
Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Yasmin Khatoon D/o- Late Ajaj Resident of Village- Marui, P.S.- Roh,
Distt.- Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, APP
For the Complainant	:	Mrs. Bandana Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-07-2025 Heard Mr. Sheo Kumar Prasad, learned counsel for

the petitioner, Mrs. Bandana Singh, learned counsel appearing
on behalf of the complainant as well as Mr. Nirmal Kumar
Sinha, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 167 of 2023 for the
offences punishable under Sections 323, 504 and 498(A) of the
Indian Penal Code but the learned Court below has taken
cognizance under Section 498(A) of the Indian Penal Code.

3. According to prosecution case, this petitioner along
with other accused persons tortured the complainant due to non-
fulfillment of demand of dowry.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offences as alleged in the complaint petition. In fact, the complainant has *suo moto* left the house of the petitioner. He further submits that the marriage of the complainant with the petitioner took place 14 years ago and before filing of this complaint petition, no complaint has been made by the complainant against the petitioner in between these 14 years and all of a sudden she has filed the present case only to harass the petitioner. He further submits that the petitioner is not in a position to pay any compensation amount to the complainant.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

6. In view of the aforesaid, the complainant is directed to file a maintenance case, if so advised in accordance with law.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days



from the date of receipt of the order, be released on 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, Nawada in connection with Complaint Case No. 167 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

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

ii. 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.

iii. And further condition that the court below 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 court below 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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