

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18420 of 2025

Arising Out of PS. Case No.-479 Year-2023 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Md. Naushad S/O Md. Rashid R/O Village- Harishankarpur, Baghauni, Ward
No.2, P.O and P.S.- Tajpur, Dist.- Samastipur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabanam Khatun W/O Md. Naushad, D/O Md. Murtuga At present resident
of Village- Pandasara, Bichala Tola, Near Masjid, P.O- Kheraj, P.S-
Laheriyasara, Distt.- Darbhanga (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Barj Kishore Sharma, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2025 Heard Mr. Barj Kishore Sharma, learned counsel

for the petitioner and Mr. Tarun Prasad Mandal, learned

Additional Public Prosecutor for the State.

2. Despite valid service of notice upon Opposite Party
No.2, no one appeared on behalf of Opposite Party No.2.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 479 of 2023, for the
offences punishable under Sections 323, 498A of the Indian
Penal Code and Section 3 and 4 of the Dowry Prohibition Act.



4. According to prosecution case, the complainant married the accused petitioner Md. Naushad on 19.06.2018 as per Islamic customs. After marriage, the accused and his family demanded ₹3,00,000 as dowry. When this demand was not fulfilled, they abused and assaulted the complainant in various ways, including kicking her abdomen in an attempt to cause a miscarriage.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation, as alleged in the Complaint petition, is false and fabricated and the petitioner has not committed any offence, as alleged in the complaint petition. Learned counsel for the petitioner further submits that in the year 2022, a compromise took place between the parties but despite of that, the complainant is not ready to live with the petitioner.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and despite valid service of notice upon Opposite Party No.2, no one appears on behalf of Opposite Party No.2 and apart from that, a compromise took



place between the parties but despite of that, the complainant is not ready to live with the petitioner, let the petitioner, above named, in the event of his 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 SDJM, Darbhanga, in connection with Complaint Case No. 479 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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