

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18127 of 2025**

Arising Out of PS. Case No.-598 Year-2012 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Md Samsad S/O Md Hakim Resident of Village- Maulakha Bariyahi, P.S.-
Bangaon, Distt.- Saharsa, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabnam Khatoon W/O Md Samsad, D/O Md Sadik R/O Village- Aaran, P.S.-
Vihara, Dist.- Saharsa, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Subesh Sharma, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, APP
For the Informant	:	Mr. Nafisu Zzoha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 08-07-2025 Heard learned counsel for the petitioner and learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with
Complaint Case No. 598 of 2012 instituted for the offence under
Sections 498(A), 341, 323 & 34 of the Indian Penal Code.

3. The complainant, Shabnam Khatoon, alleged that
after her marriage in the year 2009, her in-laws demanded
dowry of Rs. 1 lakh and a motorcycle, and subjected her to
mental and physical torture. She was poisoned by the accused
on 05.04.2012 and hospitalized, but police failed to register her
complaint despite several attempts. Bribe was allegedly



demanded by the S.H.O. for lodging the FIR. Ultimately, she filed a complaint case in court and now lives with her parents post-discharge.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 14-11-2024. Petitioner bears no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Initially, cognizance was taken under Sections 341, 323, and 504 IPC, and later under Section 498A IPC on 22.01.2015. Although earlier granted bail by court below, the petitioner went abroad for employment, leading to cancellation of his bail and declaration as absconder. He is now willing to face trial, undertakes to appear on each date, and assures he will not tamper with evidence. He is also ready to keep his wife with dignity and abide by all conditions imposed by the Hon'ble Court. As the trial may take time, continued custody would be harsh.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.



7. Considering the aforesaid facts and circumstances of the case and period of custody of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Court below/concerned Court in connection with Complaint Case No. 598 of 2012, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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