

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40002 of 2024

Arising Out of PS. Case No.-209 Year-2013 Thana- BIRAUL District- Darbhanga

MD. JAHANGIR SON OF MD. USUF @ MD. ISUF @ MD. YUSUF
RESIDENT OF VILLAGE - LADHO, POLICE STATION - BIRAUL,
DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NAJBUL KHATOON WIFE OF MD. JAHANGIR RESIDENT OF
VILLAGE - LADHO, POLICE STATION - BIRAUL, DISTRICT -
DARBHANGA0 PRESENT ADDRESS - D/O. SRI JAHURI RAM,
RESIDENT OF VILLAGE - RUPNAGAR, POLICE STATION - BIRAUL,
DISTRICT - DARBHANGA

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s :	Mr. Akbar Ali, APP
	Mr. Pankaj Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 14-02-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Biraal P.S. Case no. 209 of 2013 registered under sections 498A, 323, 504 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the informant states that she was married according to the Muslim rites and customs to the petitioner. The accused persons were not happy with the gifts given and the petitioner started pressurizing her that he



should be given a motorcycle. She was threatened that she would be destroyed and he would perform a second marriage. The informant states that her husband i.e the petitioner herein as also her mother-in-law assaulted her and forced her out of the house. For the sake of dowry, he is going to perform a second marriage and as such she is praying that the same be stopped.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The allegation of demand of dowry etc. are false and concocted. The petitioner who is a labourer works outside the State and it is for this reason that he could not appear for reconciliation. He is ready to abide by any condition which may be laid by this Court for his release on bail. The petitioner was in custody since 1.2.2024 till he was enlarged on provisional bail vide order dated 4.6.2024.

5. The application is opposed by learned A.P.P. for the State and learned counsel for the opposite party no.2. Learned counsel for the opposite party no.2 submits that besides being the husband of the informant there is a direct allegation of abuse and torture against this petitioner. Referring to the order of the learned Court below it is submitted that after grant of provisional bail by the learned Court below, the petitioner



absconded and it was only on issuance of non-bailable warrant of arrest and issuance of process under section 82 Cr.P.C. that he was taken into custody. Once again after grant of provisional bail by this Court again he is not cooperating and has not appeared even once in the reconciliation proceedings. As such it is submitted that if he is enlarged on bail, he would not permit the trial to conclude.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R., together with the petitioner having remained in custody since 1.2.2024 till he was enlarged on provisional bail pursuant to the order dated 4.6.2024 in this case, the Court directs that the provisional bail granted to the petitioner in connection with Biraul P.S. Case no. 209 of 2013 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Biraul at Benipur, Darbhanga is hereby confirmed on the following conditions:

1. The petitioner shall cooperate in the trial and shall remain physically present in Court on each date of the trial.

2. In case, the petitioner is absent on any single date for reasons not to the satisfaction of the learned trial Court, the



learned trial Court may cancel the bail bond of the petitioner
and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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