

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38187 of 2025

Arising Out of PS. Case No.-43 Year-2024 Thana- MAHILA P.S District- West Champaran

1. Sheikh Amzad @ Amzad Sheikh Son of Sheikh Yunus @ Yunush Sheikh R/O Vill-Gokhula , P.S- Lauriya , District- West Champaran
2. Mehrun Nesha Wife of Yunush Sheikh @ Sheikh Yunus R/O Vill-Gokhula , P.S- Lauriya , District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahin Praveen Wife of Sheikh Amzad @ Amzad Sheikh R/O Vill-Gokhula , P.S- Lauriya , District- West Champaran Presently Address - Mohalla Chhavani, Bettiah, Ward no.- 05, P.S - Bettiah (Kalibagh O.P), Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP
For the Informant	:	Mr. Prashant Kumar, Advocate
		Mr. Manaur Alam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-08-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel for the petitioners, Mr. Nand Kishore Prasad, learned Additional Public Prosecutor for the State and Mr. Prashant Kumar, learned counsel for the informant.

2. The petitioners are apprehending their arrest in connection with Bettiah Mahila P.S. Case No. 43 of 2024, F.I.R. dated 12.09.2024 for the offences punishable under Sections 85, 115(2), 3(5) of the BNS, 2023 and Section 3 and 4 of the D.P. Act.

3. According to prosecution case, the petitioners along with other co-accused persons are said to have assaulted the informant and ouster her from her matrimonial house and they also



demanded Rs. 2 lakh cash and washing machine as dowry.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that the informant before filing of the present FIR, had already filed Complaint Case No. 2028 of 2023 on 11.08.2023 for the same set of allegation in which cognizance has been taken on 11.07.2024 for the offences under Sections 498A/34 of the IPC and 3 and 4 of the D.P. Act and the informant who is also the complainant in the aforesaid complaint case, has lodged the present FIR on 12.09.2024 after knowing the fact that the cognizance has been taken in the aforementioned complaint case only to harass the petitioners in false and concocted cases. Apart from that, the petitioner no. 1 who is happened to be the husband of the informant, has filed a Matrimonial Suit No. 01 of 2024 before the Principal Judge, Family Court, Bettiah, West Champaran for restitution of conjugal rights and the informant has also filed a Maintenance Case No. 352 of 2022 which is also pending before the Principal Judge, Family Court, Bettiah, West Champaran. He further submits that from a bare perusal of the complaint petition, it appears that the complainant has alleged in



the complaint petition that the petitioner has ousted her from the house of the petitioner in the year 2023 itself then how the present FIR has been instituted in 2024 alleging the date of occurrence as mentioned in the FIR as 22.08.2024 which suggests that the present FIR has been instituted with ulterior motive only to harass the petitioners.

5. The learned Additional Public Prosecutor for the State and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, for the same set of allegation, the informant has already filed a complaint petition on 11.08.2023 and cognizance has been taken in the aforesaid complaint petition on 11.07.2024 and the present FIR has been instituted on 12.09.2024, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bettiah, West Champaran in connection with Bettiah Mahila P.S. Case No. 43 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 and with other following conditions:-



i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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