

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38183 of 2025

Arising Out of PS. Case No.-70 Year-2024 Thana- NAWADAH COMPLAINT CASE
District- Nawada

Md. Sadab Akhtar S/o Md. Naushad Ansari Village- Patel Nagar, PS- Bermo,
District- Bokaro

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binay Kumar Singh, Advocate
For the Complainant	:	Ms. Sarita Kumari, Advocate
For the Opposite Party/s	:	Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-06-2025 Heard Mr. Binay Kumar Singh, learned counsel for
the petitioner, Ms. Sarita Kumar, learned counsel for the
Complainant and Mr. Ahmad Ali, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 70 of 2024 registered for the offences punishable under Sections 498(A), 323, 406, 504 of the Indian Penal Code but the learned Court below has taken cognizance under Section 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. The petitioner is the husband of the complainant. Allegation against the petitioner is of committing torture upon the victim due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



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 offence as alleged in the complaint petition. In fact, the petitioner has filed a Suit No. 618 of 2023 against the complainant under Section 281 of Mohammadan Law for restitution of conjugal rights, the same was filed on 13.10.2023 and notice was issued to the complainant who was Opposite party no. 2 in the aforesaid case and she has received notice on 11.01.2024 but she has not appeared in the aforesaid proceeding and has filed the present complaint petition only to harass the petitioner. Learned counsel for the petitioner has brought on record the order of the judgment of the Suit No. 618 of 2023 which was allowed in favour of the petitioner and the learned Court below has directed to the complainant to join the company of petitioner and lead conjugal life to perform her marital duties but despite of that complainant has not gone in the house of the petitioner.

5. Learned counsel for the complainant, on the other hand, submits that the complainant is ready to live with the petitioner at his service place and not in the matrimonial home.

6. Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Nawada in connection with Complaint Case No. 70 of 2024 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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