

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45218 of 2024

Arising Out of PS. Case No.-392 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Md. Irshad S/o Md. Amanulah @ Amanullah R/o Village-Ghorbanki, P.S.-
Basopatti, District-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Musarrat Praveen W/o Md. Irshad R/o Village-Ghorbanki, P.S.-Basopatti,
District-Madhubani at present R/o Village-Parsauni, P.S.-Bisfi, District-
Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
For the Complainant	:	Mr. Binodanand Mishra, Sr. Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-01-2025 Heard Mr. Gagan Deo Yadav, learned counsel for the

petitioner, Mr. Binodanand Mishra, learned Senior counsel for the

Opposite Party No. 2 as well as Mr. Bhanu Pratap Singh, learned

APP for the State.

2. The petitioner is apprehending his arrest in connection
with Complaint Case No. 392 of 2022, dated 28.09.2022 registered
for the offences punishable under Sections 341, 323, 379, 354(B),
324, 498(A), 504, 506 of the Indian Penal Code and Section 3/4 of
the Dowry Prohibition Act.

3. Petitioner is the husband of the Complainant.
Allegation against the petitioner is of demand of dowry and torture
for the same.



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 F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and the petitioner has not demanded any dowry from the complainant and her family members.

5. Vide order dated 04.09.2024, the matter was referred before the learned Mediator, Patna High Court to explore the possibilities for amicable settlement of dispute between the parties.

6. Report of learned Mediator dated 14.11.2024 reveals that inspite of best and sincere efforts, the dispute between the parties could not be resolved through the process of mediation.

7. Learned Senior counsel for the Complainant as well as learned APP for the State, on the other hand, vehemently opposed the prayer for anticipatory bail to the petitioner and submits that due to inaction of the petitioner, the matter could not be resolved in the Mediation.

8. 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 Judicial Magistrate 1st Class, Benipatti, District- Madhubani in connection with Complaint Case



No. 392 of 2022, 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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