

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58418 of 2024

Arising Out of PS. Case No.-1333 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Sabir @ Savir Son of Md. Akhtar R/O Vill.- Bangawa Jagatpur, P.S.-
Abadpur, Dist.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Firdausi D/O Koshiruddin, W/O Md. Sabir R/O Vill.- Bhawanipur Gwal
Tole, P.S.- Abadpur, Dist.- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
For the Opposite Party/s	:	Mr. Kanhaiya Kishore, APP
For the Complainant	:	Mr. Surendra Pd. Sah @ Baranwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 02-07-2025 Heard Mr. Bhola Prasad, learned counsel for the

petitioner, Mr. Surendra Pd. Sah @ Baranwal, learned counsel
appearing on behalf of the complainant as well as Mr. Kanhaiya
Kishore, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with C.A. Case No. 1333 of 2022 for the offences
punishable under Section 498A of the Indian Penal Code.

3. According to prosecution case, this petitioner along
with other accused persons tortured and assaulted the
complainant due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been 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 offences as alleged in the complaint petition. He further submits that the petitioner has performed marriage with the complainant ten years ago and 3 children were born out of their wedlock. As per the allegation, the complainant has been assaulted by the petitioner and other accused persons.

5. Learned counsel for the complainant has filed a counter affidavit stating therein that the complainant is ready to live with the petitioner along with their 3 children.

6. Learned counsel for the petitioner submits that the petitioner is also ready to keep the complainant and the 3 children with full honour and dignity despite knowing the fact that the petitioner has performed second marriage.

7. In view of the aforesaid, the petitioner is directed to bring back the complainant to her matrimonial house within a period of 4 weeks.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.



9. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Katihar in connection with C.A. Case No. 1333 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. 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.

ii. If the petitioner 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 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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