

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67705 of 2024

Arising Out of PS. Case No.-320 Year-2021 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Asraf Alam S/o Sheikh kamarullah @ Sheikh Karmullaa R/o vill - Parsa
Marzadwa, P.S. - Purushottampur, Distt. - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anguri Khatoon W/o Asraf Alam, D/o Sheikh Taiyyab R/o vill - Tumkadia,
P.s. - Shikarpur, Distt. - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
Mr. Hemant Ray, Advocete
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-04-2025 Heard Mr. Umesh Chandra Verma, learned counsel
for the petitioner and Mr. Anant Kumar-1, learned Additional
Public Prosecutor for the State.

2. Despite of valid service of notice upon Opposite
Party No. 2, no one appears on behalf of the Respondent No. 2.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 320-C of 2021 for the
offences punishable under Section 498-A of the Indian Penal
Code and Sections 3 and 4 of the Dowry Prohibition Act.

4. According to prosecution case, the marriage of
the petitioner was solemnized on 27.01.2016 with the
complainant and after the marriage he started demanding Rs. 2

lakhs as dowry from the complainant's father and on non-fulfillment of dowry demand he along with other co-accused persons said to have assaulted the complainant and ousted her from her matrimonial home.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The O.P. No. 2 filed a complaint petition bearing Complaint Case No. 830-C of 2020 and the same was sent to the Purushottampur P.S. under Section 156(3) of Cr.P.C. on the basis of aforesaid the Purushottampur P.S. Case No. 91 of 2020 was registered under Sections 323, 307 and 498-A of the Indian Penal Code. The police after investigation submitted the final form in favour of the petitioner vide Final Report No. 97 of 2020 but the complainant has filed the present protest-cum-complaint petition as mentioned aforesaid before the learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran, who was pleased to take cognizance vide order dated 12.12.2023. He further submits that in fact, the O.P. NO. 2 had performed the marriage with one Md. Farooque and he has brought on the record the Marriage Certificate (Nikahnama) (Annexure-3/1).

6. The learned Additional Public Prosecutor has

vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts that the petitioner has clean antecedent and on the protest the Court has taken cognizance against the petitioner and apart from that the O.P. No. 2 had performed the marriage with one Md. Farooque, 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, Bettian in connection with Complaint Case No. 320-C of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 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.)

Jyoti Kumari/-

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