

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73982 of 2023**

Arising Out of PS. Case No.-331 Year-2023 Thana- COMPLAINT CASE District- Banka

Abdul Muttalib Son Of Firoj Ansari R/o Village- Singarpur, Ps- Dhoriya,  
Dist- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarjina Khatoon Wife Of Abdul Muttalib, D/O Abul Ansari R/o Village-  
Mahrna, Ps- Barahat, Dist- Banka

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kumar Malendu, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      03-07-2025                      Heard Mr.Kumar Malendu, learned counsel for  
  
the petitioner, learned counsel for the complainant and  
  
Mr.Bishweshwar Ram, learned Additional Public  
  
Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Complaint Case No. 331(C) of 2023,  
registered for the offences punishable under Sections  
498(A),323 and 379 of the Indian Penal Code.

3. Allegation against the petitioner and other co-  
accused persons 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 falsely been implicated in the present case merely on the ground that the petitioner is husband of the complainant. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Although the matter was referred to the learned Mediator for settlement of dispute between the parties but the report of the learned Mediator dated 04.04.2024 reveals that the mediation has failed. Learned counsel for the petitioner has produced a deposition which was deposed in Misc. Case No.24 of 2023 in which the complainant has categorically stated that the matter has been compromised with the petitioner and she is residing in the house of the petitioner and she has also stated that she is ready to withdraw the maintenance case.

5. Learned counsel for the complainant, on the basis of the instruction received from the complainant, fairly submits that the complainant is residing in the house of the petitioner and she is not interested to pursue the matter.

6. Considering the aforesaid facts, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, Banka in connection with Complaint Case No. 331(C) of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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