

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75060 of 2024

Arising Out of PS. Case No.-108 Year-2022 Thana- COMPLAINT CASE District- Supaul

Nurshed Alam S/O Late Abdul Jalil R/O Shankarpur Ward No.-14, P.S-
Birpur, Dist.- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amina Khatoon W/O Nurshed Alam, D/O Late Abdul Haque R/O
Shankarpur Ward No.-14, P.S- Birpur, Distt.- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-03-2025 Heard Mr.Shailendra Kumar Singh, learned counsel
for the petitioner, learned counsel for the complainant and
Mr.Vinod Shanker Modi, learned Additional Public Prosecutor
for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.108C/2022, registered for
the offences punishable under Sections 323,498A/34 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



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. Although complainant has made number of allegations in the complaint petition but the learned court below, after examination of the complainant, has taken cognizance only under Sections 323,498A/34 of the Indian Penal Code. 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.

5. Vide order dated 29.01.2025, the matter was referred to the Patna High Court Mediation Centre for settlement of dispute between the parties.

6. Learned counsel for the petitioner submits that despite of best efforts the complainant has not appeared any date before the learned Mediator even on the first date, the counsel for the complainant has also not appeared.

7. In view of the aforesaid, learned Mediator has sent a report stating therein that despite of best efforts the dispute between the parties could not be resolved.

8. Learned counsel for the complainant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner.



9. Considering the aforesaid facts, despite of direction of this Court, the complainant has not appeared before the learned Mediator and learned court below has taken cognizance only under Sections 323,498A/34 of the Indian Penal Code, 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 A.C.J.M., Birpur in connection with Complaint Case No.108C/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:-

(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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