

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75149 of 2024

Arising Out of PS. Case No.-235 Year-2024 Thana- JOKIHAT District- Araria

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Washama @ Md. Oshama @ Oshama @ Osama Son of Mustaque Resident of
Village - Basgara at present Kamat Hat, Police Station - Jokihat (Baigachhi),
District - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gufrana Daughter of Jafar Resident of Village - Daulatpur, Police Station -
Jokihat, District - Araria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2025 Heard Mr.Mukesh Kumar Rana, learned counsel for

the petitioner, learned counsel for opposite party No.2 and

Mr.Bharat Lal, learned Additional Public Prosecutor for the

State.

2. The petitioner is apprehending his arrest in
connection with Jokihat P.S.Case No.235 of 2024,FIR dated
03.07.2024 registered for the offences punishable under
Sections 126,115(2),303(2),74,85,352,351(2) of BNS and
Section 3(iv)/4 of Dowry Prohibition Act.

3. The prosecution case, in short, is that the informant
got married to one Washama in the year 2020 and gave birth to
two children out of which the daughter born handicapped.



Informant was then forced to take money for her daughter's treatment from her paternal home and also subjected to assaulting in relation to same. Consequently, many mediation through Panchayats were conducted but had no result, thereby, on 22.06.2024 Washama gave divorce by triple talaq to informant and there was an agreement to return Mehar amount, dated 25.06.2024. However, accused refused to return the same. On 03.07.2024 all accused alongwith petitioner assemble at courtyard of informant, armed with lathi-danda and assaulted her as well threatened to kill her for demanding Mehar.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

5. Learned counsel for the informant, on instruction, submits that the informant is not ready to live with the petitioner and she wants some maintenance from the petitioner.

6. Learned counsel for the petitioner, on instruction, submits that the petitioner is ready to pay Rs. 3,000/- (Three Thousand) per month to the informant subject to outcome of the maintenance case, if any. The bank details of the



informant/opposite party No.2 is follows:

Name of the informant/opposite party No.2: Gufrana.

Bank Name:State Bank of India.

A/C No.: -36134807947

IFSC Code:SBIN0008357

7. Petitioner shall pay Rs. 3,000/- (Three Thousand) per month in the bank account of the informant/opposite party No.2 in 1st week of every month.

8. Learned counsel for the informant has no objection in this regard.

9. Considering the aforesaid facts, petitioner has clean antecedent, 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 Chief Judicial Magistrate, Araria in connection with Jokihat P.S.Case No.235 of 2024, 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) At the time of furnishing bail bond, the petitioner



shall deposit Rs. 3000/- (Three Thousand) by way of demand draft in favour of the informant/opposite party No.2 and the learned court below is directed to hand over the said demand draft to the informant/opposite party No.2 or her representative. If the petitioner fails to pay the maintenance of Rs. 3000/- (Three Thousand) to the informant/opposite party No.2 in her bank account, the informant shall be at liberty to move before the appropriate forum to cancel the bail bond of the petitioner.

(II) 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.

(III) 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.

(IV) 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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