

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74710 of 2024

Arising Out of PS. Case No.-2019 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

=====

Md. Sahnawaj @ Md. Sahanwaj S/o Md. Bhola R/o Village- Barmotra
Malipur, ward no - 18, PS- Garhpura, Distt- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nagma Khatoon D/o Md. Mustak and W/o Md. Sahnawaj @ Md. Sahanwaj
R/o vill - Barmotra Malipur, ward no. 18, P.S. - Garhpura, Distt. - Begusarai,
Presently R/o vill - Kewas Nijamat, P.S. - Muffasil, Distt. - Samastipur

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Ms. Khushi Awadh, Advocate
For the State	:	Ms. Veena Kumari Jaiswal, APP
For the Complainant	:	Mr. Madhav Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2025 Heard Ms. Khushi Awadh, learned counsel for the

petitioner, Mr. Madhav Kumar, learned counsel appearing on

behalf of the Complainant as well as Ms. Veena Kumari Jaiswal,

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case vide CR Case No. 2019 of
2023 for the offences punishable under Sections 323, 341, 354,
494 and 498A of the Indian Penal Code and Sections 3 / 4 of the
Dowry Prohibition Act but the learned court below has taken
cognizance under Section 498A of the Indian Penal Code.

3. According to prosecution case, this petitioner along



with his family members tortured and assaulted the complainant and her two daughters due to non fulfillment of demand of Rs. 2,00,000/- and later on solemnized another marriage.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. Apart from that the complainant had not produced any material/certificate which suggest that the complainant is injured by the petitioner or his family members.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is husband of the complainant and its his sole responsibility to look upon the grievance of the complainant. They further submits that the petitioner has solemnized the second marriage.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the learned court below has taken cognizance under Section 498A of the Indian Penal Code, 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, Samastipur in connection with Complaint Case vide CR Case No. 2019 of 2023, 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)

Vanisha/-

U		T	
---	--	---	--

