

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77233 of 2024

Arising Out of PS. Case No.-386 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Sadre Alam Son of Md. Serajul Haque @ Serajul Alam @ Nanhka Village-
Chhota Chand Mohan, P.S- Kundwa Chainpur, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sania Khatoon Wife of Sadre Alam village- Chhota Chand Mohan, Ps-
Kundwa Chainpur, Dist- East Champaran, At P/A- Islampur, Raxaul, Ps-
Raxaul, dist- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Zaki Haider, Advocate
For the Complainant	:	Mr. Vijay Shankar Shrivastava, Advocate
For the State	:	Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 11-08-2025 Heard Mr. Zaki Haider, learned counsel for the

petitioner, Mr. Vijay Shankar Shrivastava, learned counsel for

the Complainant and Mr. Jai Narain Thakur, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. C-386 of 2023, Trial No.
2675 of 2023 dated 23.09.2023 for the offences punishable
under Sections 323, 498(A) and 504 of the Indian Penal
Code.

3. As per the Complaint Petition, the Complainant was
subjected to torture and harassment due to non-fulfillment of



demand of dowry. It is further alleged that on 01.07.2023, the petitioner along with other accused persons assaulted and ousted the Complainant from her matrimonial house after snatching her belongings.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. It appears from the complaint petition that the complaint petition was filed on 23.09.2023 but before filing of the present complaint petition, the petitioner has given divorce to the Complainant on 05.07.2023 in presence of village people. It appears from Annexure-2(Divorce paper) that divorce has taken place on the basis of mutual consent and the complainant has received Rs. 1,25,000/-(Rupees One Lakh Twenty Five Thousand) from the petitioner which suggest that the allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the present complaint petition has been filed with ulterior motive only to harass the petitioner.

5. The learned Additional Public Prosecutor as well as learned counsel for the Complainant have vehemently opposed the prayer for bail of the petitioner. Learned counsel for the Complainant submits that he denied Annexure-2 (divorce



papers).

6. Considering the aforesaid facts and circumstances, petitioner has given mutual divorce to the Complainant before lodging of the present complaint petition in present of village people and complainant has received Rs. 1,25,000/- (Rupees One Lakh Twenty Five Thousand) from the petitioner, 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 J.M. 1st Raxaul at Motihari, East Champaran in connection with Complaint Case No. C-386 of 2023, Trial No. 2675 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 bond 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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