

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89694 of 2024

Arising Out of PS. Case No.-1706 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Md. Shamshad Alam S/O Late Md. Usman R/o - Mohammadpur Sirnia,
Sirniya, P.S - Ashok Pepar Mill, District - Darbhanga, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Soni Praveen W/O Md. Shamshad Alam, D/O Lallu Mian At Present R/at
Vill.- Bahadurpur ward no. 27, P.S.- Nagar Samastipur, Dist.- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar Mishra, Advocate
For the State	:	Ms. Sangeeta Sharma, A.P.P.
For the Complainant	:	Mr. Deepak Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 14-07-2025 Heard Mr. Vinay Kumar Mishra, learned counsel for

the petitioner, Mr. Deepak Kumar Singh, learned counsel for the

complainant and Ms. Sangeeta Sharma, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 1706 of 2022 (T.R. No.
2827 of 2023), F.I.R. dated 11.10.2022 for the offences
punishable under Section 498(A) of the Indian Penal Code and
Section 4 of Dowry Prohibition Act.

3. According to prosecution case, the complainant
solemnized marriage with the petitioner in the year 2018. It is
further alleged that after marriage, the complainant went to her



matrimonial house, after some time, the accused persons started demanding Rs. 3,00,000/- as dowry, but the same has not been fulfilled by the complainant's father, thereafter, the accused persons including the petitioner started assaulted and ousted her from the matrimonial house.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and he has been made accused in the present case merely on the ground that he is the husband of the opposite party no. 2 (complainant). Pursuant to the direction of this Court, the petitioner had visited the house of the complainant and the petitioner has filed an affidavit stating therein that he has visited the house of the complainant on 22.04.2025 but she has refused to come with the petitioner, thereafter, the petitioner again visited the house of the complainant on 19.06.2025 but she has not come with the petitioner.

5. Learned counsel for the complainant, on the other hand, has vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts and circumstances, 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 the learned Sub-Divisional Judicial Magistrate, Samastipur in connection with Complaint Case No. 1706 of 2022 (T.R. No. 2827 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)

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