

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23555 of 2013

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Sayed Maaz Ourfi @ Sayed Maaz Arafi @ Sayed Naz Arafi, son of Nesar Ahmad @ Master Nesar, resident of village - Shekh Mohalla, Police Station- Siwan, Town, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA
ORAL ORDER

3 24-12-2013

Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioner, apprehends his arrest in connection with a case registered for the offence punishable under Sections 341, 323, 506, 498(A) of the Indian Penal Code and Section 3/4 of the D.P. Act.

The petitioner is named accused in this case said to be husband of the informant with whom after continuing sweet-relationship for five odd years performed marriage on 26th February 2013 and one *Nikahnama* was also prepared and at relevant column petitioner's signature is also thereon.

Submission is of false implication, only after failure of attempts made by prosecution side to get the informant married with the petitioner who has now been married with one Moqaddasa Parveen on 21st April 2013 and just on getting information of settlement of such marriage present false case has been instituted. Without proper instruction learned counsel for the petitioner expressed his inability to either accept or deny signature of the petitioner on the *Nikahnama* dated 26th February 2013.

While objecting the prayer, it is vehemently submitted that petitioner successfully exploited the informant on the assurances and ultimately refused in spite of marrying and putting his signature on the *Nikahnama*.

Having regard to the facts and circumstances of the case, in the event petitioner appearing before the court below with duly verified application supported with personal affidavit denying his signature on the *Nikahnama* in token of marriage with the informant on 26th February 2013, subject to verification of such signature, in the event of his arrest/surrender before the court below within four weeks, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, Siwan, in connection with Siwan Mahila P.S. Case No. 14 of 2013**, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure with additional condition to remain physically present before the court below on each and every date at least for two years or till disposal of the case, whichever is earlier and in case of failure on two consecutive dates without giving any reasonable explanation or violation of undertaking, the liberty granted shall be deemed to be cancelled.

It is further made clear that in the event of petitioner avoids to cooperate and bear the cost of scientific verification of the signature on the *Nikahnama* or his signature is found therein, the privilege so granted shall be deemed to be cancelled.

Rajeev/-

(Akhilesh Chandra, J)