

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25267 of 2015

Arising Out of PS.Case No. -98 Year- 2015 Thana -CHARPOKHARI District- BHOJPUR

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1. Jamil Akhtar @ Jamil Ahmad son of Manaur Ali, Resident of village-Garhani, P.S.- Charpokhari, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Shavana Perveen D/o Shamsheer Alam, R/o Village and P.S.- Sigori, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shamsheer Bahadur Pandey, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

2 08-07-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Jamil Akhtar @ Jamil Ahmad, in connection with Charpokhari Police Station Case No. 98 of 2015 under Sections 498(A) of the Indian Penal Code and Section 34 of the Dowry Prohibition Act.

Perused the above application and materials on record including a copy of the order, dated 11.05.2015, passed, in A.B.P. No. 602 of 2015, by the learned Sessions Judge, Bhojpur, Ara, dismissing the said application for pre-arrest bail.

Heard Mr. Shamsheer Bahadur Pandey, learned Counsel for the petitioner, and Mr. Sanjay Kumar, learned

Additional Public Prosecutor, appearing on behalf of the State.

It is submitted on behalf of the petitioner that though informant was married in the year 2008, the informant suppressed the fact that she was married and having three children and that the informant, suppressing these facts, married the present petitioner projecting herself as an unmarried woman and when the petitioner came to know the reality, the petitioner filed an application seeking dissolution of marriage bearing Muslim Divorce Case No.268 of 2014 and that as a counterblast to the civil suit so instituted, the informant has lodged the instant F.I.R. on 02.04.2015 making false allegation.

In view of the fact that perusal of the record does not reveal any such incriminating materials against the petitioner, which would warrant his custodial detention and interrogation, this Court is of the view that the petitioner has been able to make out a case calling for appropriate direction for pre-arrest bail.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the petitioner above-named shall, in the event of his arrest in connection with the case aforementioned, be released on bail of Rs. 10,000/-, with two sureties, each of the like amount, subject to the satisfaction of the Officer-in-Charge, Charpokhari Police Station, Bhojpur, at

Ara. This direction for bail is further subject to the condition that the petitioner above-named shall, within two weeks from today, appear before the Officer-in-Charge, Charpokhari Police Station, Bhojpur, at Ara, and make himself available for interrogation by police at all reasonable time and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

This application for pre-arrest bail shall stand disposed of in terms of the above observations and directions.

Let a copy of this order be sent, forthwith, to the Officer-in-Charge, Charpokhari Police Station, Bhojpur, at Ara.

Send also a copy of this order, forthwith, to the Superintendent of Police, Bhojpur, at Ara, by fax.

Mkr./-

(I. A. Ansari, J.)

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