

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11693 of 2016

Arising Out of PS.Case No. -1390 Year- 2015 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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1. Md. Iqbal @ Md. Iqbal Ahamad Son of Md. Sadique Safiaque@Rudal
Miayan Resident of village- Vijay salempur PS Pandaul, District
Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Phulo Khatoon D/o Md. Badruddin Resident of Village- Thadhi, PS
Andhra Thadhi district Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Sr. Adv.
Mr. Gagan Deo Yadav

For the Opposite Party No. 2 : Mr. Shahnawaz Ali, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

4 23-06-2016 Certified copy of the first information report is filed.

Let it be kept on record.

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

This application for grant of anticipatory bail arises out
of Complaint Case No. 1363/1390 of 2015, disclosing offences
under Sections-420, 406, 120(B), 504, 354(B), 34, 376, 511 of the
Indian Penal Code and Sections-3/4 of Dowry Prohibition Act, in
which, after taking cognizance, learned court below has issued
non-bailable warrant of arrest against the petitioner and therefore,
he apprehends his arrest.



Learned Senior counsel, appearing on behalf of the petitioner, referring the complaint petition, submits that the allegations contained therein, are highly improbable. He has further submitted that there is no chance of the petitioner fleeing away from the course of the trial and no purpose would be served by taking him into custody, during the pendency of the case.

Learned counsel, appearing on behalf of the complainant has vehemently opposed the prayer for anticipatory bail and has submitted that the allegations, made in the complaint petition, have been found to be prima facie correct and accordingly, cognizance has been taken.. Therefore, the petitioner should not be given the privilege of anticipatory bail, he contends.

Upon perusal of the complaint petition, I find that the allegation against the petitioner is that he under the assurance to solemnize the marriage with the daughter of the complainant, established physical relationship with her (the daughter of the complainant) and he also enticed them to deliver money of his property.

Considering the nature of accusation and above-said facts and circumstances, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be

released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Complaint Case No. 1363/1390 of 2015, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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