

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37959 of 2016

Arising Out of PS.Case No. -52 Year- 2016 Thana -MAHESHKHUNT District- KHAGARIA

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Md. Imran @ Md. Imran Khan, Son of Kaphil Khan, resident of Village-Salim Nagar, P.S. Mahesh Khunt, District- Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Kamal Kishore Jha, Advocate

For the Opposite Party : Mr. Sri Vinod Shankar Modi(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 26-09-2016

Heard learned counsel for the petitioner, learned counsel representing the State as also learned counsel for the informant.

The petitioner seeks bail in connection with Mahesh Khunt P.S Case No. 52 of 2016 registered for the offences punishable under Sections 420, 406, 504, 506, 376/34 of the Indian Penal Code.

Allegedly, the petitioner giving assurance to marry with the informant, took away amount at several time and also developed physical relationship with her on the plea that the informant has lost her husband whereas the petitioner has lost his wife, but refused to marry with her.

Submission is of false implication and that the



informant has lodged this case with wrong and false allegation. She has lodged a case in the Court of S.D.J.M., Khagaria, under section 498(A) of the Indian Penal Code which was disposed of on 24.02.2016 and till then her husband was alive and not only that in maintenance she has received amount of Rs. 5,000/- from her husband Sadre Alam, on 26.07.2016 whereas this case filed on 15.06.2016 and, as such, on this ground and baseless submission the present case has been filed and as such, the petitioner deserves sympathetic consideration.

The petitioner has filed photostat copy of certified copy of order dated 26.07.2016 passed in Matrimonial Case No. 3M of 2012 in the Court of learned Family Judge, Khagaria.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioner has developed physical relationship with the informant and, as such, the petitioner does not deserve bail.

In the facts and circumstances stated above, considering that till 26.07.2016, the husband of the informant was alive which is evident from the order dated 26.07.2016 itself passed in Matrimonial Case No. 3M of 2012 in the Court of Family Judge, Kagaria, as such, the statement that the husband of the informant has died appears baseless and on this ground alone

the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Khagaria, in connection with Mahesh Khunt P.S. Case No. 52 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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