

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.599 of 2018

Arising Out of PS.Case No. -287 Year- 2017 Thana -KADWA District- KATIHAR

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1. Md. Nawed @ Md. Naved Alam Son of Khalil @ Khalilur Rahman @
Md. Khalil, Resident of Village-Baniyatili, Police Station-Balia Belone
(Kadwa), District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Najeeb Ahmad

For the Opposite Party/s : Mr. Sri S. Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 11-01-2018 Heard learned counsel for the petitioner. Despite repeated calls, no body appears on behalf of the State even though a copy of the brief has already been served in the office of the Advocate General.

The petitioner seeks pre-arrest bail in connection with Kadwa (Balia Belone) P.S.Case No. 287 of 2017 registered under Sections 341, 323, 376, 504 and 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that there is inordinate delay of about six months in instituting the FIR. He submitted that prior to the institution of the FIR, a complaint case was instituted by the informant and since no witness came in support of her case, she finally withdrew the



complaint case, which would be evident from the order dated 18.10.2017 passed by the learned A.C.J.M. in Complaint Case No. 2043 of 2017. He contended that in the present FIR the fact about institution of the previous complaint has been suppressed. It is also stated that as a matter of fact the informant is a married woman and her husband has deserted her and in order to marry with the petitioner she has been trying to pursue him and his family members and on failure to succeed, she has resorted to file the present case.

Having regard to the nature of allegation made in the FIR and the submissions made above, in the event of arrest or surrender before the court below within four weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- IV, Katihar in connection with Kadwa (Balua Belone) P.S. Case No. 287 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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