

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4751 of 2019

Arising Out of PS. Case No.-358 Year-2018 Thana- JOKIHAT District- Araria

Abu Asif @ Mithu @ Abu Asif Ashab Ashabuddin Resident of village-
Gaiyari, P.S. and District-Araria

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 01-02-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Jokihat P.S.Case No. 358 of 2018 registered under Sections 341,
323, 379, 384, 498-A, 504, 506, 420/34 of the Indian Penal
Code and 3 & 4 D.P.Act.

It is submitted by the learned counsel for the
petitioner that though the FIR has been instituted under Section
384 of the Indian Penal Code, the ingredients of the offence are
completely lacking in this case. There is also no allegation that
the petitioner had induced any person to deliver the property for
the purpose of cheating and, hence, the offence of cheating is
also not made out. The allegation of the demand of dowry is
absurd and unbelievable, which would appear from the fact that



the alleged occurrence had taken place in December, 2017 but the matter was reported to the police on 18.11.2018. There is also no allegation of subsequent marriage and only suspicion has been raised that the petitioner has contact with another lady and he used to move with her, which would not make any offence.

Learned counsel for the State opposed the application for grant of pre-arrest bail.

Considering the facts and circumstances of the case, specially inordinate and unexplained delay of one year in institution of the FIR, in the event of arrest or surrender before the court below, 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 Chief Judicial Magistrate, Araria, in connection with Jokihat P.S.Case No. 358 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

pradeep/sneha

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