

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2768 of 2019

Arising Out of PS. Case No.-113 Year-2018 Thana- INDUSTRIAL District-
Bhagalpur

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Md. Asif Ibrar @ Asif Ibrar aged about 32 years, Male, son of Md. Ibrar Hussain, resident of Sufi Tola, Fatehpur, PS-Industrial Area, Dist.-Bhagalpur.

... .. Petitioner

Versus

The State Of Bihar .

... .. Opposite Party

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Appearance :

For the Petitioner : Ms. Anita Kumari Singh, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 379, 498A, 504, 506,34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act registered in connection with Industrial Area P.S. Case No. 113 of 2018.

3. It is submitted that the petitioner has been falsely implicated and the informant herself left the matrimonial home in the year 2014 after about a year of marriage and has since been residing at her parental home. The petitioner has been maintaining the informant and their children. Upon her refusal to return to the matrimonial home, the petitioner filed



Matrimonial Case No. 59 of 2017 in the Court of Principal Judge, Family Court, Bhagalpur for restitution of conjugal life but the informant has been resisting return. The petitioner expresses his willingness to keep the informant with due dignity and honour. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Bhagalpur in connection with Industrial Area P.S. Case No. 113 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in



Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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