

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11092 of 2019

Arising Out of PS. Case No.-141 Year-2018 Thana- MAHILA P.S. District- Patna

MD. ASIF Son of Md. Muslim Resident of Mohalla- Quaseem Colony,
Dargah Road, Shahganj Kabristan Quaseem Colony, Dargah Road
Sampatchak, Mahendru, Sampatchak, P.S - Sultanganj Patna (Bihar)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Gulnaz Akhtar Wife of Tarique Haroon D/o Md. Akhtar Resident of New
Road Nawab Bahadur Road, Gulzarbagh, Patna City, Police Station-
Khajekalan, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-02-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 498(A), 307, 504, 506/34 IPC and Section 3 and 4 of the D.P. Act registered in connection with Mahila P.S. Case No. 141 of 2018.

3. It is submitted that the petitioner has been falsely implicated merely because he happens to be the *nandoshi* of the informant. There is inordinate delay in institution of the FIR on 23.09.2018 for the alleged occurrence of 05.09.2018. The petitioner is separate and has no concern with the husband of the informant. It is stated that the petitioner is not doing the business of medicine as alleged. Other co-accused Shakir Ajaz @ Sahkir Ejaj and Saibun Nisha (mother-in-law) have been granted anticipatory bail by this Court in Cr. Misc. No. 10697/2019 and Cr. Misc. No. 10467/2019 respectively. The petitioner claims clean antecedents.

4. Be that as it may, 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 Mrs Priya Shekhar, learned Judicial Magistrate Ist Class, Patna, in connection with Mahila P.S. Case No. 141 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. That the petitioner shall co-operate 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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