

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29478 of 2019**

Arising Out of PS. Case No.-70 Year-2018 Thana- MAHILA P.S. District-
Nalanda

=====

MD. ARSHAD MALLIK, male, aged about 38 years, Son of Late Md. Fazillat Hussain @ Fazillat Hussain Resident of Mohalla-Bhikhana Pahari, P.S.-Kadamkuan, District-Patna.

... .. Petitioner

Versus

1. THE STATE OF BIHAR Bihar
2. Baby Khatoon Daughter of Md. Abdul Mannan Resident of Village-Bari Pahari, P.S.-Laheer, District-Nalanda.

... .. Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Digvijay Kumar Ojha, Advocate.
For the Opposite Party: APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 25-07-2019 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, 504, 506, 307, 498(A)/34 of the Indian Penal Code and Section 34 of the Dowry Prohibition Act registered in connection with Bihar Sharif (Nalanda) Mahila P.S. Case No. 70 of 2018.

3. It is submitted that the petitioner has been falsely implicated and in any event the accusation of cruel conduct by the petitioner-husband and his family members is general and omnibus. There is no accusation of demand for dowry or valuable security. It is further submitted that the opposite party no. 2 had expressed before the police on 19.04.2018 that she did not wish to reside with the petitioner and would be filing for divorce (Annexure-2). It is further submitted that the parties were referred for mediation which however failed, on account of non-



cooperation of opposite party no. 2, as evident from the mediator's report dated 10.07.2019 in Mediation Proceeding No. 399 of 2019. 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 learned Chief Judicial Magistrate, Bihar Sharif (Nalanda), in connection with Bihar Sharif (Nalanda) Mahila P.S. Case No. 70 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 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) That 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)

Ibrar//-

U		T	
---	--	---	--

