

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37451 of 2019

Arising Out of PS. Case No.-1063 Year-2017 Thana- SITAMARHI District- Sitamarhi

MD. MAHFOOJ @ MD. MAHFOZ ALAM S/O Late Ramtulla R/O Village-
Rajopatti, Mill Tola, P.S. and Dist.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aktari Khatoon W/o Md. Mahfooj R/O Village- Rajopatti, Mill Tola, P.S. and Dist.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 21-06-2019 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)/34 IPC and Section 3 and 4 of the D.P.Act registered in connection with Sitamarhi P.S. Case No. 1063/2017.

3. It is submitted that the petitioner has been falsely implicated and it is the first such complaint of its nature by the complainant/informant after 11 years when the parties were married in the year 2007. It is further stated that a few years after the marriage the parties amicably separated in the year 2010 itself and the complainant/informant left the petitioner's house and is not living together since then. In any event the petitioner expresses his readiness to keep the OP No. 2 with due dignity and honour. 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 CJM, Sitamarhi in connection with Sitamarhi P.S. Case No. 1063/2017, 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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