

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38150 of 2019

Arising Out of PS. Case No.-101 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

1. MD. AMIR S/o Md. Sohel @ Azad R/o village- Puraini Station Road, P.S.- Jagdishpur, District- Bhagalpur
2. Md. Sohel @ Sohel @ Azad S/o Late Mokir R/o village- Puraini Station Road, P.S.- Jagdishpur, District- Bhagalpur
3. Afsar S/o Late Md. Khalil R/o village- Puraini Kharadi, P.S.- Jagdishpur, District- Bhagalpur
4. Akbar S/o Late Md. Khalil R/o village- Puraini Kharadi, P.S.- Jagdishpur, District- Bhagalpur
5. Asgar S/o Late Md. Khalil R/o village- Puraini Kharadi, P.S.- Jagdishpur, District- Bhagalpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sahika Parveen D/o Md. Sattar, W/o Md. Amir Resident of Badarpur, Jaitpur, Gyan Mandir Road, Near Madina Masjid, P.S.- Mithapur, District- Mehrauli (Delhi), Presently residing at Village- Puraini Bazar, P.S.- Jagdishpur, District- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Syed Masleh Uddin Ashraf
For the OP No. 2	:	Mr.Ajay Kumar Sinha
For the State	:	Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-06-2019 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the OP No. 2 appearing suo motu.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 376, 504, 506/34 IPC registered in connection with Jagdishpur P.S. Case No. 101 of 2019.

3. It is submitted that the petitioners have been falsely implicated on the accusation that the petitioner no. 1 established physical relationship for two years with the OP No. 2 on the



pretext of marriage, but resiled from his promise. The petitioner nos. 2 to 5 are the various family members of the petitioner no. 1 who are also said to have supported the petitioner no. 1 and refused for solemnization of marriage with the OP No. 2.

4. Learned counsel for the petitioner submits that the petitioner no. 1 and the OP No. 2 have since solemnized marriage as evident from the Nikahnama dated 25.03.2019 (Annexure-3). A compromise petition has also been filed by the parties in the Court of learned Chief Judicial Magistrate, Bhagalpur (Annexure-4).

5. Be that it may, in the event of petitioners arrest or surrender within four weeks hereof let the above named petitioners be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- [ten thousand] each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No. 101 of 2019 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 petitioners.

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

(iii) That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves 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 petitioners 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, their bail bonds shall be liable to be cancelled by the learned Court



concerned.

(v) That the petitioners shall produce the Nikahnama dated 25.03.2019 (Annexure-3) in original before the learned Court below within a period of four weeks from today.

6. The provisional bail granted to the petitioners shall be confirmed upon verification of the genuineness of the Nikahnama dated 25.03.2019 (Annexure-3). In case the claim of the petitioners fail upon verification, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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