

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75812 of 2018

Arising Out of PS. Case No.-1822 Year-2017 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Md. Afzal s/o Md. Nasim r/v-Gagipur, P.S.-Bathnaha District - Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nargis Khatoon w/o Md. Afzal D/o Md. Jafar at present residing at vill-
Gopalpur (Muraul), P.S.-Bajpatti, District - Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the Opposite Party/s : Mr. Abhay Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 14-03-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest for the offence
alleged under Section 498A and 34 Indian Penal Code registered
in connection with Complaint Case No. C1/1822/17.

3. It is submitted that the petitioner has been falsely
implicated. In any event after filing of the complaint on
04.09.2018, the parties entered into a settlement and filed a joint
petition before the learned Sessions Judge, Sitamarhi that the
parties would live separately and the petitioner had made one
time settlement payment of Rs. One lakh to the complainant.

4. Learned counsel for the complainant appears.

5. Be that as it may, having regard to the entirety of



the facts and circumstances, in the event of petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the abovenamed petitioner be released on provisional anticipatory bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No. C1/1822/2017, 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) The petitioner shall remain 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.

6. The provisional bail granted to the petitioner shall be confirmed by the learned court below upon verification that the parties had entered into compromise for living separately and the petitioner has made payment of Rs. One lakh to the



complainant in terms of the joint compromise petition dated
03.10.2018 (Annexure-2).

(Vikash Jain, J)

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