

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71544 of 2018

Arising Out of PS. Case No.-2794 Year-2017 Thana- COMPLAINT CASE District- Araria

Md. Arshad @ Md. Arshad Alam Son of Kalam Mian, Resident of Village-
Madhura, Dakshin, Dhunia Tala, P.S.-Narpatganj, Dist-Araria.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Jahana Khatoon, Daughter of Md. Israfil, Wife of Md. Arshad, Resident of
Village-Madhura, Dakshin, Dhunia Tala, P.S.-Narpatganj, Dist-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.Anant Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 06-03-2019 Heard learned counsel for the petitioner and learned APP for
the State.

2. The petitioner apprehends his arrest for the offences alleged
under Sections 498A IPC and Section 4 of D.P. Act registered in
connection with Complaint Case No. 2794 of 2017.

3. It is submitted that the petitioner has been falsely implicated
and as a matter of fact the petitioner was never married to the
complainant, as such the ingredients of the offence under Section 498A
IPC are not made out against him. The complaint has been filed merely
to put pressure upon the petitioner and his family members to accept
the complainant as the legally wedded wife of the petitioner and the
complaint has been instituted after inordinate delay of more than a
month on 16.12.2017 for the last date of alleged occurrence on
15.11.2017. The petitioner claims clean antecedents.

4. Despite appearance having been entered on behalf of the
OP No.2, none appears to represent her when the matter is called
today.

5. 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 SDJM, Araria, in connection with Complaint Case No. 2794 of 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 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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