

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64672 of 2018

Arising Out of PS. Case No.-1158C Year-2014 Thana- WEST CHAMPARAN
COMPLAINT District- West Champaran

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Muslim Mian, S/o Late Dharichhan Mian, R/o Amwa Kairi Tola, P.S.-
Majhauria, District- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Hasan Tara Khatoon, W/o Muslim Mian D/o Late Mithu Mian, R/o Amwa Kairi Tola, P.S.- Majhauria, District- West Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Parties : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 03-01-2019 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, 323 of the Indian Penal Code registered in connection with Trial No. 3977 of 2018 arising out of Complaint Case No. 1158-C of 2014.

3. It is submitted that the petitioner has been falsely implicated as the complainant herself is in the habit of making similar accusations against the petitioner as done in the past. The accusations are improbable considering that the parties have been married for about 36 years. Other than the cases of similar nature instituted by the complainant in the past, the petitioner has no other criminal antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, 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 Sri Manas Kumar, learned Judicial Magistrate Ist Class, Bettiah, West Champaran in connection with Trial No. 3977 of 2018 arising out of Complaint Case No. 1158-C of 2014, 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 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) 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/BT

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