

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66971 of 2018

Arising Out of PS. Case No.-12 Year-2018 Thana- SIMRI District-
Darbhanga

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Md. Gulab Son of Alijan Resident of Village- Dhoghra, Police Station Jallay,
Distt.-Darbhanga

... .. Petitioner

Versus

1. The State of Bihar.
2. Arfa Rahmat D/o of Rahmat Ansari Resident of Village-Bastwara, Police
Station Simri, Distt.-Darbhanga

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Mazharul Hassan, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 498(A) and 376 of the Indian Penal Code
registered in connection with Simri P.S. Case No. 12 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and the petitioner is not named in the F.I.R., merely
because he happens to be the husband of the informant. It is
submitted that a bare perusal of the F.I.R. will disclose that the
ingredients of the offences alleged against the petitioner are not
made out and the thrust of accusation is against the F.I.R. named
accused Md. Alijan. The petitioner claims clean 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 learned Additional Chief Judicial Magistrate-VI, Darbhanga in connection with Simri P.S. Case No. 12 of 2018, 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)

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