

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.87481 of 2019**

**In
CRIMINAL MISCELLANEOUS No.38880 of 2019**

Arising Out of PS. Case No.-1141 Year-2018 Thana- COMPLAINT CASE District- Araria

MD. ZULKARNAIN Son of Abdul Kalam Resident of Village - Garaiya
Lailokhan, Ward No.- 12, P.S.- Kursakanta, District - Araria.

... .. Petitioner

Versus

1. The State of Bihar
2. Bibi Amana Wife of Md. Zulkarnain D/O- Md. Hasan, Resident of Village - Garaiya Lailokhan, Ward No.- 12, P.S.- Kursakanta, District - Araria, At present Resident of Village - Sijhua, Ward No.- 11, P.S.- Kursakanta, District - Araria.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate
For the Opposite Party/s : Ms.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 21-12-2020 Perused the service report available at Flag 'S'.

It appears that notice has been served upon opposite party no. 2 by ordinary process and the Incharge (Administration), Civil Court, Araria has certified that the service report is valid.

Let it be treated to be valid.

The petitioner in the present case is seeking modification of the order dated 20.09.2019 passed in Cr. Misc. No. 38880/2019 by which while granting the privilege of pre-arrest bail to the petitioner this Court has recorded his own undertaking and the same was made a condition that the petitioner shall visit the place of opposite party no. 2 within two weeks and shall bring her back to his matrimonial home where the opposite party no. 2



shall be allowed to live with full dignity and care. Liberty was granted to opposite party no. 2 to move an application for cancellation of bail if the petitioner fails to abide by his undertaking.

Learned counsel for the petitioner has pointed out that in paragraph '4' of the present application a statement has been made that petitioner went to the matrimonial home of the opposite party no. 2 along with his father but the opposite party no. 2 is not ready to live with him and in this regard he has filed a petition before the learned S.D.J.M., Araria on 01.10.2019. A copy of the same has been placed on record as Annexure '2'.

It is submitted that the petitioner could not surrender in the court below and furnish his bail bond under bonafide belief that unless he brings back the opposite party no.2 the bail bond shall not be accepted.

Mr. Akhileshwar Dayal, A.P.P. Incharge of the court is present. Opposite party no. 2 who has been served on 09.11.2020 has not entered appearance. As a result of non-appearance of opposite party no. 2 the statements made by the petitioner in the present application remains uncontroverted.

In the given facts and circumstances, in the interest of justice, this Court modifies the order dated 20.09.2019 passed in Cr. Misc. No. 38880/2019 to the extent that the petitioner in the



event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bond of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Araria in connection with Complaint Case No. 1141C of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

