

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30974 of 2022

Arising Out of PS. Case No.-442 Year-2021 Thana- HILSA District- Nalanda

Md. Aarif Khalil Son Of Md. Khalil R/O Mohalla- B-58, Iron Gate Road,
P.S.- Garden Reach, Kolkata, District- Kolkata (WEST Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.
For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Hilsa P.S. Case No. 442 of 2021 lodged under Sections 341,
323, 504, 498A, 313, 307, 34 of the I.P.C. read with Section 3/4
of the Dowry Prohibition Act.

As per the prosecution case, the marriage of informant
with petitioner solemnized by way of Nikaah on 19.03.2021.
The allegation made in the F.I.R. is that the attempt to kill
throwing in sea was made at Calcutta and attempt to kill was
made in Vishakhapatnam and subsequently, the husband has left
the informant at Patna City Railway Station and subsequently,

the allegation is to send a medicine through Whatsapp and pressure was given by the petitioner to take this medicine due to which abortion took place.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Learned counsel submits that informant has tried her level best to live with the petitioner peacefully and happily but the attitude of the petitioner is strange. The case was filed on 14.09.2021 at Hilsa thereafter, the informant went with the police at his work place, Calcutta and from where he was arrested and produced before the Court and since then, he is in custody dated 14.03.2022. learned counsel submits that petitioner's antecedent is clean and charge sheet has already been filed in this case. Petitioner has categorically submits that he is not ready to live with the informant on any condition.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that petitioner is the husband of the informant and he is legally bound to keep his wife. Learned counsel submits that he is ready for negotiation and this matter may be sent for conciliation.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be

granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Hilsa(Nalanda) in connection with Hilsa P.S. Case No. 442 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

Liberty is always with the informant that she can call the petitioner for conciliation under various law and she is free to take appropriate remedy.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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