

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.184 of 2021

Arising Out of PS. Case No.-593 Year-2019 Thana- BHAGWAN BAZAR District- Saran

Md. Seraj Khan @ Siraj Khan Son of Sipahi Miyan Resident of Village -
Rudalpur, P.S. - Jalalpur, District - Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Khatun Wife of Md. Seraj Khan @ Siraj Khan Daughter of Jalaluddin,
Presently Residing at Village - Brahampur, P.S.- Bhagwan Bazar, District -
Saran at Chapra (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar, Advocate
For the Opposite Party/s	:	Mr. APP
For the Informant	:	Mr. Amit Kumar Rakesh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-10-2023 Heard Mr. Rakesh Kumar, learned counsel for the

petitioner, Mr. Amit Kumar Rakesh, learned counsel appearing

on behalf of the informant as well as learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Bhagwan Bazar P.S. Case No. 593 of 2019,
F.I.R. dated 17.12.2019 for the offences punishable under
Sections 323, 307, 379, 406, 498A, 506 and 120B of the Indian
Penal Code.

3. According to prosecution case, the informant was
subjected to cruelty due to non-fulfillment of demand of Rs. 5
lakhs and she was also ousted from her matrimonial house along
with her two childrens.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the petitioner has been made accused in the present case only on the ground that the petitioner is the husband of the informant.

5. Vide order dated 27.10.2021 the matter was referred to Mediation Centre, Patna High Court for settlement of disputes between the parties. Report of the learned Mediator dated 16.05.2022 reveals that the disputes between the parties has been resolved by the process of mediation and both the parties have signed the Memorandum of Agreement.

6. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have no objection in this regard.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with



Bhagwan Bazar P.S. Case No. 593 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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