

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86168 of 2023

Arising Out of PS. Case No.-3 Year-2021 Thana- MAHILA PS District- Katihar

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Md. Irsad Son Of Sheikh Saukat Resident Of Village - Haflaganj, Bazar Tola,
P.S. - Muffasil, District - Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Adv.

For the Opposite Party/s : Ms.Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Mahila PS Case No. 03 of 2021 dated 30-01-2021, instituted under Sections 376,498(A),506 and 34 of the IPC and Section 4 of the D.P. Act.

3. The prosecution case, in short, is that petitioner used to make physical relation with the informant on the pretext of marriage. It is further alleged that on 23.11.2020, the petitioner solemnized court marriage with her, but he left her in her parental house and later on he ignored her and switched off



his mobile. When the informant told the family members of petitioner, then they demanded Rs. 2,00,000/- and a tempo as dowry.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the petitioner is married person and never contacted the informant. Due to past affairs, the informant lodged the present FIR against the petitioner. It is next submitted that the petitioner from the reliable source brought the '*Nikahnama*' of the informant, who married with other person at West Bengal, which itself shows that the informant is married and major lady and wants to reside with the petitioner due to her past love affairs. The petitioner has no criminal antecedents, as per statements made in para 3 of the bail petition.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Katihar, in Mahila PS Case No. 03 of 2021, subject to



the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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