

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9192 of 2024

In
CRIMINAL MISCELLANEOUS No.70060 of 2023

Arising Out of PS. Case No.-3427 Year-2022 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

Md. Asgar Son of Late Mohammad Khalil Ansari, Resident of Village- Anar Kothi, PO- Sidhauli, PS- Ashok Paper Mill, Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Samirun Khatoon Wife of Md. Asgar D/O Md. Ibrahim, Resident of Village- Anar Kothi, PO- Sidhauli, PS- Ashok Paper Mill, Dist- Darbhanga. At Present D/O- Md Ibrahim R/O Village- Ghoshrama Bharathi Tole, PO- Ghoshrama, PS- Piyar, Dist- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jagannath Singh, Advocate Mr.Padmanabh Kashyap, Advocate Mr.Deepak Kumar, Advocate Md.Ghulam Mustafa, Advocate
For the Opposite Party/s	:	Mr.Chandra Shekhar Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 12-07-2024 Heard Mr. Jagannath Singh along with Mr.

Padmanabh Kashyap, Mr. Deepak Kumar and Md.Ghulam

Mustafa, learned counsels appearing on behalf of the petitioner

and Mr. Chandra Shekhar Anand, learned counsel for O.P. No.2.

2. Learned counsel appearing on behalf of the
petitioner submits that he will advise his client to furnish bail
bond. At the same time, the O.P.no.2 must not restrain from
filing affidavit, if she does not desire to live with the petitioner.

3. Considering the above facts and circumstances of



the case, this Court finds it proper that the petitioner can avail the remedy in accordance with Section 41(1) Cr.P.C. in light of the law laid down by the Apex Court in the Case of **Arnesh Kumar v. State of Bihar** reported in **(2014) 8 SCC 273** and the guidelines laid down by the Apex Court in the case of **Asfak Alam Vs. State of Jharkhand & Anr.** in **Cr. Appeal No.2207 of 2023.**

4. Accordingly, the present modification application stands disposed of.

(Purnendu Singh, J)

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