

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43666 of 2019

Arising Out of PS. Case No.-129 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Rakesh Sah @ Rakesh Kumar Son of Sukeshwar Sah, Resident of Village-
Kaswa Kadmwa, Police Station- Ghorasahan, District- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Seema Devi Wife of Rakesh Sah, Daughter of Birendra Prasad, Resident of
Village- Islampur Tola Dhaka, Police Station- Dhaka, District- East
Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-09-2019 Heard learned counsel for the petitioner and learned

counsel representing the complainant-opposite party no. 2 as

also learned APP for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Complaint Case No. C-129 of 2018 in
which cognizance has been taken for the offences punishable
under Sections 498 (A) of the Indian Penal Code and 3/4 of the
Dowry Prohibition Act.

Learned counsel for the petitioner as well as opposite
party no. 2 submit that they are looking for amicable resolution
of the dispute. The petitioner is ready and willing to take
opposite party no. 2 to his matrimonial home and live with her



as husband and wife with full dignity and care to opposite party no. 2. The opposite party no. 2 is also agreeing to go to her matrimonial home with the petitioner if he visits her house/Maika.

As agreed between the parties, the petitioner shall go to the house of opposite party no. 2 at her Maika in between 5th October, 2019 to 8th October, 2019 and shall take her to the matrimonial home. Learned counsel for the petitioner has submitted that the petitioner is living presently at Ludhiyana, if it is so, it will be incumbent upon the petitioner to take her wife to Ludhiyana where he permanently resides.

Subject to the conditions under Section 438(2) Cr.P.C. and the aforesaid undertaking of the petitioner, let 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 bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Dhaka at Motihari in connection with Trial No. 2949 of 2019 arising out of Complaint Case No. C-129 of 2018, subject to the condition 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.

If the petitioner fails to abide by his undertaking in the terms stated hereinabove, it will be open for the complainant-opposite party no. 2 to move an appropriate application for cancellation of bail.

(Rajeev Ranjan Prasad, J)

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