

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78900 of 2019

Arising Out of Case No.-638 Year-2019 Thana- BEGUSARAI COMPLAINT CASE District-
Begusarai

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Amit Sharma, aged about 26 years (male), son of Shankar Sharma, R/o
Village-Jagdar, P.O.- Fajilpur, P.S.- Birpur, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sangeeta Devi, aged about 26 years (female), wife of Amit Sharma, son of Chandrashekhar Sharma, R/o Village - Jagdar, P.O.- Fajilpur, P.S.- Birpur, District- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Chandan Kumar Kashyap, Advocate
For the State	:	Mr. Upendra Kumar, APP
For the O.P. No. 2	:	Mr. Amresh Kumar Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-11-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Chandan Kumar Kashyap, learned counsel for the petitioner; Mr. Upendra Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Amresh Kumar Verma, learned counsel for the opposite party no. 2.

3. The petitioner apprehends arrest in connection with Complaint Case No. 638 of 2019 dated 25.04.2019, instituted under Sections 323/324/498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, 1961.



4. Pursuant to the previous order of the Court, upon the matter having been sent for mediation to the Civil Courts, Begusarai, a report of the Mediator has been sent and also brought on record by the parties. From the same it transpires that they have compromised the matter and both are living together in the matrimonial home and learned counsel for the petitioner and learned counsel for the opposite party no. 2 agreed that as of now the relationship is cordial.

5. However, learned counsel for the opposite party no. 2 submitted that though she would not oppose the prayer for grant of pre-arrest bail, but the Court may safeguard her interest.

6. Learned counsel for the petitioner submitted that the Court may take care of the apprehension of the opposite party no. 2.

7. Learned APP also submitted that the Court may put conditions on the petitioner so that the opposite party no. 2 lives safely in the matrimonial home.

8. Having regard to the fact that the issue relates to matrimonial dispute between the parties, who are husband and wife and they are living together, the Court would facilitate such reunion.

9. Accordingly, 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. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate 2nd Class, Begusarai in Complaint Case No. 638 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further, the petitioner shall give an undertaking before the Court below that he shall keep the opposite party no. 2 with him in the matrimonial home with full dignity, honour and security and shall take care of all her needs. He shall also ensure that the opposite party no. 2 is able to talk to, meet and visit any person she desires, without any let or hindrance, either by him or his family members. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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