

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83274 of 2019

Arising Out of PS. Case No.-1272 Year-2019 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

MANOJ BHAGAT Son of Jay Prakash Bhagat Resident of Village- Badki
Chhathiyawan, Police Station- Bhore, District- Gopalganj

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Devika Rani, Advocate

For the Opposite Party/s : Mr. Naresh Prasad, Advocate

For the State : Mr. A. Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-01-2020 Since this case arises out of a compliant case lodged by the wife of this petitioner and the complainant has appeared through her Advocate on her own, learned counsel for the petitioner seeks permission to add the complainant as opposite party no. 2 in course of the day.

Permission is granted.

Heard learned counsel for the petitioner, learned counsel representing the opposite party no. 2 and learned Additional Public Prosecutor for the State.

The petitioner in the present case is seeking regular bail in connection with Complaint Case No. 1272/2019, Trial No. 216/2019 registered under Sections 323, 498(A)/34 of the Indian Penal Code.



Learned counsel for the petitioner at the outset submits that in paragraph '14' of the present application a categorical statement has been made that petitioner is ready to keep the complainant and the daughters with full dignity and care.

Learned counsel for the opposite party no. 2 submits that the opposite party no. 2 does not object to grant of regular bail to the petitioner if the petitioner is willing to keep her and his three daughters with him with full dignity and care at the place where he is working. It is submitted on behalf of opposite party no. 2 that the present case was lodged only when the petitioner neglected the opposite party no. 2 and on the question raised as to how opposite party no. 2 and the three daughters would be maintained he indulged in causing assault and torture upon the complainant. At this stage the opposite party no. 2 agrees for an amicable resolution of the dispute.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case taking note of the submissions of the parties, this court



directs release of the petitioner on furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Second Class, Gopalganj, in connection with Complaint Case No. 1272/2019, Trial No. 216/2019, subject to the condition as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

Further condition in terms of the undertaking of the petitioner in paragraph '14' of the petitioner that he would keep the complainant and his three daughters with full dignity and care. If the petitioner commits any breach



of this condition, it will be open for the opposite party no. 2 to file an appropriate application for cancellation of bail of the petitioner.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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