

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3132 of 2020

Arising Out of PS. Case No.-356 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Upendra Rai S/o Sakal Rai @ Sakaldeo Rai R/o Village Dhumnagar Bakhari,
P.S. - Baruraj, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sharmila Devi W/O Upendra Rai, D/O Sahmbhu Prasad Yadav R/o Village -
Dhumnagar Bakhari, P.O. Singaliya P.S. - Baruraj, District - Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Gajendra Kumar Singh, Advocate
For the State	:	Mr.Ram Bilash Roy Raman, APP
For Opp. Party No. 2	:	Mr. Anil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 26-10-2021 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel for the opposite party no.2

through video conferencing.

The petitioner seeks anticipatory bail in connection with
Tr. No.2868 of 2019 arising out of Complaint Case No. C-356
of 2018 registered for the offences under Sections 498A of the
Indian Penal Code.

Pursuant to the order dated 28.02.2020, notice was issued
to opposite party no.2, who has appeared and filed her
Vakalatnama.

Specific statement has been made in paragraph 8 of the bail
petition that the petitioner is ready to keep the opposite party



no.2 with full honour and dignity.

In such view of the matter, the petitioner is directed to visit his Sasural and take opposite party no.2 with him before 01.11.2021 and thereafter both the parties will file an application in the Court below that they have amicably settled their disputes and they are staying together. The petitioner will also provide a separate mobile phone and number to opposite party no.2 from which she can talk to her parents as and when she desires.

On filing of the aforesaid application by both the parties in the Court below, the Court below will release the petitioner on provisional bail for a period of three months on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Motihari, East Champaran in connection with Tr. No.2868 of 2019 arising out of Complaint Case No. C-356 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

After completion of three months, both the parties will again appear before the learned Court below. The Court below will verify the conduct of both the parties and thereafter take a



decision either to confirm the provisional bail or to cancel the same in the facts of the case.

Till filling of the application by both the parties in the Court below, the interim protection granted to the petitioner vide order dated 28.02.2020 shall continue to operate.

With the aforesaid observations and directions, this bail petition is allowed.

(Sandeep Kumar, J)

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