IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5938 of 2020

Arising Out of PS. Case No.-117 Year-2017 Thana- JEHANABAD COMPLAINT CASE District- Jehanabad

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MANOJ KUMAR Son of Puran Prasad Resident of Village - Shyamnagar, Post- Bhuli A Black, P.S.- Bank More (Bhulli O.P.), District - Dhanbad (Jharkhand). ... ... Petitioner

Versus

1. The State of Bihar
2. Anisha Devi Wife of Manoj Kumar Daughter of Harishankar Verma, Resident of Village - Shyamnagar, Post- Bhulli A Black, P.S.- Bank More (Bhulli O.P.), District - Dhanbad (Jharkhand). Presently resident of village - Jaypur, P.S.- Mehandia and District - Arwal.

... ... Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No2,Advocate
For the State	:	Mr.Madan Kumar,APP
For the O.P. No. 2	:	Mr.Ashok Kumar,Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

5 18-01-2021 Heard learned counsel for the petitioner, learned counsel for O.P. No. 2 and Mr. Madan Kumar, learned APP for the State.

The petitioner is the husband of the complainant-O.P. No. 2. He is seeking pre-arrest bail in connection with Complaint Case No. 117 of 2017 registered for the offences punishable under Sections 498(A), 323, 324 and 504 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the marriage between the parties had taken place on 19.06.2017 and at this stage the allegations have been made that there was a demand of dowry and the accused persons including the petitioner had assaulted the complainant.

Learned counsel submits that the petitioner is ready to

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keep the complainant-O.P. No. 2 as his lawful wedded wife with full dignity and care and for this purpose he is ready to visit the place of complainant-O.P. No. 2 within four weeks from today and shall bring her back to the matrimonial home.

In view of the aforesaid statement of learned counsel for the petitioner, learned counsel for the Complainant-O.P. No. 2 does not oppose the prayer for anticipatory bail of the petitioner, however, learned counsel submits that liberty be granted to the opposite party no. 2 to file an application for cancellation of bail of the petitioner, if he does not abide by his promise and assurance made before this Court.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

In the given facts and circumstances of the case, wherein marriage is about 10 years old and now the parties have shown their inclination to live together and the petitioner is ready to go to the place of O.P. No. 2 and bring her back to the matrimonial home within four weeks from today, let in case of his arrest or surrender the petitioner above named within a period of four weeks from today in connection with Complaint Case No. 117 of 2017 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Arwal subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

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(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.

And further condition that in case the petitioner does not abide by his promise made before this Court, it will be open for the complainant-O.P. No. 2 to file an appropriate application including the cancellation of bail of the petitioner.

The application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

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