

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17272 of 2020

Arising Out of PS. Case No.-135 Year-2015 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Md. Saddam, S/o Md. Akabar, R/o village- Sukhaya Bala, P.S.- Beladaur, District- Khagaria
 2. Samina Khatoon, W/o Md. Akabar, R/o village- Sukhaya Bala, P.S.- Beladaur, District- Khagaria
 3. Asho Khatoon, D/o Md. Akabar, R/o village- Sukhaya Bala, P.S.- Beladaur, District- Khagaria
 4. Putul Khatoon @ Pital Khatoon, D/o D. Akabar R/o village- Sukhaya Bala, P.S.- Beladaur, District- Khagaria

... .. Petitioners

Versus

1. The State Of Bihar
2. Gulafsa Khatoon, D/o Md. Nuro, R/o village- Balaha, P.S.- Bhawanipur (Bihpur), District- Bhagalpur, W/o Md. Saddam, R/o village- Sukhayabala, P.S.- Beladaur, District- Khagaria

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 04-01-2021 Heard learned counsel for the petitioners and Mr.
Tarun Prasad Mandal, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Complaint Case No. 135 of 2015 registered for the offences punishable under Sections 341, 323, 504, 307, 498A of the Indian Penal Code and Section 3, 4 of Dowry Prohibition Act.

Earlier this Court had issued notice to opposite party



no. 2 and had granted interim protection vide order dated 15.07.2020. This Court was given to understand that the petitioners are looking for amicable settlement of dispute which has arisen on account of a matrimonial discord between the complainant-opposite party no. 2 and the petitioner no. 1.

On 10.12.2020, learned counsel for the petitioners had informed this Court that petitioner no. 1 shall visit the house of opposite party no. 2 to bring her back to his native place in terms of the statements made in the application.

Today, Mr. Rajesh Kumar, learned counsel representing the petitioners has informed this Court that petitioner no. 1 had visited the place of opposite party no. 2 and has brought her back to the matrimonial house where both of them are residing amicably and peacefully.

The office notes placed before this Court says that the service report of notice on opposite party no. 2 has yet not been received, however, at this stage learned counsel for the petitioners as well as Mr. Tarun Prasad Mandal, learned A.P.P. have jointly submitted before this Court that instead of keeping the matter pending before this Court it would be appropriate to grant provisional bail to the petitioners and direct the learned court below to get itself satisfied with the fact that the petitioner



no. 1 and opposite party no. 2 are residing peacefully and upon such satisfaction the learned court below may confirm the bail of the petitioners.

Having regard to the facts and circumstances of the case, in the nature of the dispute involves, this Court directs that the petitioners above-named, in the event of their arrest or surrender within a period of four weeks from today in connection with Complaint Case No. 135 of 2015 shall be released on provisional bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Naugahaia, Bhagalpur, subject to the conditions 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.

And further condition that the learned court below shall call upon petitioner no. 1 and opposite party no. 2 and on their physical appearance in the court/chambers as the case may be after getting satisfied that petitioner no. 1 and opposite party no. 2 are residing peacefully, the learned court below shall confirm the bail of the petitioners.

This application stands 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'.

