

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23536 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- AMDABAD District- Katihar

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MANNAN Son of Muslim Resident of Village- Tola Baida, P.S.- Amdabad,
District- Katihar. Petitioner

Versus

1. THE STATE OF BIHAR
 2. Ismatara Daughter of Md. Ismail Resident of Babhani Khushalpur, P.S.-
Pranpur, District- Katihar.
- Opposite Parties
- =====

Appearance :

For the Petitioner/s : Mr.Binod Kumar,Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 11-01-2021 Heard learned counsel for the petitioner and Mr.
Choubey Jawahar, learned APP for the State.

Despite service of notice on O.P. No. 2, she has
chosen not to enter appearance.

The petitioner in the present case is seeking pre-arrest
bail in connection with Amdabad P.S. Case No. 09 of 2020
registered for the offence punishable under Section 498(A), 379,
506/34 of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

As per the First Information Report, the allegation
against the petitioner is that of demand of dowry and non-
fulfillment of the same the O.P. No. 2 is said to have been
ousted from the matrimonial house. It is alleged that the accused
persons have also deprived the informant of her ornaments.



Learned counsel for the petitioner submits that in fact on account of his matrimonial discord between the parties a panchayati had taken place and both the parties had signed the understanding terms in presence of the panchayats. A written document was prepared showing the decision taken in the Panchayat and the same is enclosed to the present application.

Learned counsel submits that in fact the petitioner is ready and willing to keep the informant and the minor daughter but it is the informant who is a greedy lady and she does not want to live with the petitioner.

It is further informed that the petitioner had deposited Rs.22,000/- in the learned court below showing his bonafide to take care of maintenance of the informant and the minor child. In this regard, supplementary affidavit has been filed together with the copy of order of the court of learned S.D.J.M., Katihar showing deposit of a cheque of Rs.22,000/- which will be made available to the O.P. No. 2 on her appearance.

Learned counsel for the petitioner submits that he has deposited the draft which is valid presently for three months and he would continue to pay a sum of Rs.7,000/- every three months towards the maintenance of the informant and the minor child and in case so required he would revalidate the bank



drafts.

Learned APP for the State is present, however, in the nature of the dispute between the parties, this being a matrimonial case and O.P. No. 2 is not opposing this application despite opportunity granted to her, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Amdabad P.S. Case No. 09 of 2020 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 S.D.J.M., Katihar, 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 in terms of his own undertaking the petitioner would keep on depositing Rs.7,000/- every three months in the learned court below by way of demand draft in favour of O.P. No. 2 and breach of this condition, it would be open for the learned court below as well as O.P. No. 2 to take appropriate steps for cancellation of bail bond of the petitioner.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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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'.

