

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26867 of 2020

Arising Out of PS. Case No.-220 Year-2019 Thana- SANDESH District- Bhojpur

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Dinanath Prasad @ Dinanath Ram S/o Surendra Prasad R/o Vill- Repura
Chilhaus, P.S.- Sandesh, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 05-02-2021 Heard learned counsel for the petitioners and Mr.
Vinod Shankar Modi, learned A.P.P. for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Sandesh P.S. Case No. 220 of 2019 registered for the offence under Sections 498(A), 406, 420, 494, 341, 323/34 of the Indian Penal Code and 3/4 of the D.P. Act.

Learned counsel for the petitioner as well as learned counsel for the O.P. No. 2 are present they have jointly informed this Court that both the parties are willing to live together. So far as O.P. No. 2 is concerned, the only apprehension expressed on behalf of her before this Court that the petitioner may indulge in committing torture upon O.P. No. 2 therefore his conduct is required to be watched.



Learned counsel for the petitioner submits that the petitioner will visit the place of O.P. No. 2 within a period of two weeks from today and shall bring her back with the children to her matrimonial home where she will be allowed to live peacefully with full dignity and care.

Learned counsel for the petitioner submits that the petitioner shall continue to take care of all the needs of the O.P. No. 2 and the children, therefore after the O.P. No. 2 and the children return together to the matrimonial home, the petitioner may not be required to pay Rs. 4,000/- per month which presently he is paying.

Learned counsel for the O.P. No. 2 does not oppose this submission.

Having regard to the facts and circumstances of the case, let the petitioner above named be released on provisional bail in the event of his arrest or surrender within a period of four weeks from today on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur in connection with Sandesh P.S. Case No. 220 of 2019 subject to the condition as laid down under Section 438 (2) Cr.P.C. as under :



(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 petitioner shall visit the place of O.P. No. 2 and bring her back with the children to her matrimonial home where she will be allowed to live with full dignity and care.

Two months after bringing back, the O.P. No. 2 and the children to her matrimonial home, both the petitioner as well as the O.P. No. 2 shall appear before the learned Court below and on being satisfied with the conduct of the petitioner, the learned Court below shall confirm the bail bond on such terms and conditions which may be deemed just and proper by the learned Court below.

In case the petitioner does not abide by his submission



made before this Court, it will be open for O.P. No. 2 to file an appropriate application before this Court for cancellation of bail bond and other proceeding.

The 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'.

