

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23652 of 2020**

Arising Out of PS. Case No.-224 Year-2019 Thana- DAGARUA District- Purnia

MD. IMTIYAZ Son of Hasim Resident of Bakania, P.S.- Dagarua, Distt-
Purnea. Petitioner

Versus

1. THE STATE OF BIHAR
2. Rubi Khatoon W/o Md. Imtiyaz, D/o Late Bahab Resident of Village-
Bakania, P.S.- Dagarua, Distt- Purnea. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Ram Prawesh Kumar,Advocate
For the State	:	Mr.Amit Kumar Rakesh,APP
For the O.P. No. 2	:	Mr. Md.Hussain,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 22-06-2021 Heard learned counsel for the petitioner, learned
counsel for O.P. No. 2 and Mr. Amit Kumar Rakesh, learned APP
for the State.

The petitioner who happens to be the husband of O.P.
No. 2 in the present case is seeking pre-arrest bail in connection
with Dagarua P.S. Case No. 224 of 2019 registered for the offences
punishable under Sections 342, 323, 324, 498(A) of the Indian
Penal Code. And $\frac{3}{4}$ of the Dowry Prohibition Act.

Learned counsel for the petitioner as well as learned
counsel for the informant-O.P. No. 2 has jointly submitted before
this Court that after the registration of FIR, the parties have settled
their dispute amicably and they are living together.

Learned counsel for O.P. No. 2 submits that in the



interest of matrimonial relationship between the parties and in order to duly settle them in their relationship, this Court may allow the application.

Learned counsel for O.P. No. 2 has not raised any other grievance at this stage.

In this case the case diary has been called for earlier.

This Court has been informed that the case diary has also been received. In normal circumstance, the Court would have directed to hand over the case diary to learned APP for the State in order to enable him to assist this Court but considering the facts and circumstances of the case, the fact that the parties are being represented by their respective lawyers and the O.P. No. 2 is requesting this Court to allow the application in the interest of the matrimonial relationship between the petitioner and O.P. No. 2, this Court finds no reason to postpone the hearing of the matter in the name of the case diary.

Having regard to facts and circumstances of the case, Considering the submissions of learned counsel for the petitioner and O.P. No. 2, this Court directs that in the event of his arrest or surrender within a period of four weeks from today in connection with Dagarua P.S. Case No. 224 of 2019 the petitioner shall 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 Chief Judicial Magistrate, Purnea, 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 if O.P. No. 2 at any stage finds that she is being subjected to cruelty, it will be open for her to bring it to the notice of learned court below for proper action.

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'.

