

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27588 of 2020

Arising Out of PS. Case No.-715 Year-2018 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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ASHUTOSH KUMAR Son of Ashok Sharma Resident of Village - Maneur,
P.S.- Daudnagar, Dist.- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar
2. Nilu Kumari Wife of Ashutosh Kumar Resident of Village - Maneur, P.S.-
Daudnagar, Dist.- Aurangabad, At Present Mohalla - Shayam Nagar, P.S.-
Jehanabad Town, Distt.- Jehanabad.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar No1, Advocate
For the Informant	:	Mr. Lala S.N. Rais, Advocate
For the State	:	Mr. Abhay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 27-01-2021 Heard learned counsel for the petitioner learned APP
for the State.

The petitioner, in the present case, seeking pre-arrest
bail in connection with Complaint Case No. 715 of 2018
registered for the offences punishable under Sections 323,
498A, 380, 406 of the Indian Penal Code and ¾ of the Dowry
Prohibition Act.

It appears after hearing learned counsel for the parties
that the dispute arose between the petitioner and Opposite Party
No. 2 on account of matrimonial discord. Opposite Party No. 2
filed a complaint case in the court of learned Chief Judicial
Magistrate, Jehanabad alleging demand of dowry and cruelty



against the petitioner. In the said complaint case cognizance has been taken for the offences under Section 498A of the I.P.C. and Section 3/4 of the Dowry Prohibition Act. After the order taking cognizance was passed and petitioner was summoned to appear in the learned court below, they have entered into a settlement on 24.10.2020, a copy of the settlement has been brought on record as Annexure '3' to the supplementary affidavit filed on behalf of the petitioner.

Learned counsel for the Opposite Party No. 2 does not dispute that in terms of the settlement the petitioner has already paid a sum of Rs. 1,40,000/- to the complainant – O.P. No. 2 and the rest of the amount i.e. Rs. 1,35,000/- is to be paid within a period of six months which has yet to expire. Save and except that the last and final installment of agreed amount is yet to be paid, learned counsel for the O.P. No. 2 does not oppose the prayer for anticipatory bail of the petitioner. He has only expressed his apprehension that the petitioner may not pay the amount.

Learned counsel for the petitioner has submitted on instruction that the apprehension of learned counsel for O.P. No. 2 is totally baseless. The petitioner has to pay the final amount of Rs. 1,35,000/- within a period of six months. The period of



six months will be expiring on or about 24.04.2021 and will pay the said amount before expiry of the six months period.

Having regard to the facts and circumstances of the case, in the nature of submissions on behalf of the parties and there being no other submission, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Complaint Case No. 715 of 2018, 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, Jehanabad, 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.



In case the petitioner fails to pay the balance amount in terms of the compromise (Annexure '3' to the supplementary affidavit) it will be open for the O.P. No.2 to file an appropriate application for cancellation of bail of the petitioner.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

