

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25337 of 2020

Arising Out of PS. Case No.-1839 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Khalil Ansari, aged about 50 years, Gender-Male, S/o Jumdin Ansari,
Resident of Village- Semrawrit, P.S.- Majhaulia, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jaha Ara Khatoon, aged about 27 years, Gender-Female, W/o Khalil Ansari,
D/o Sagir Miyan, R/o Village- Basatta, P.S.- Mainatand, District- West
Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Shrivastava, Advocate
For the State	:	Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-02-2021

Heard Mr. Sanjeev Kumar Shrivastava, learned
counsel for the petitioner and Mr. Satyendra Prasad, learned
Additional Public Prosecutor (hereinafter referred to as the
'APP') for the State.

2. Learned counsel for the petitioner submitted that the
opposite party no. 2 has filed a compromise petition in the Court
below on 06.01.2021.

3. Learned APP submitted that the Superintendent of
Police, West Champaran has submitted a report in which it has
been stated that the opposite party no. 2 had stated that she was
not ready to live with the petitioner. However, there is no



mentioning that any compromise petition was filed though learned counsel for the petitioner submitted that the same was filed on 06.01.2021.

4. This creates genuine doubt in the mind of the Court with regard to the compromise as to whether it is correct and has been filed without any pressure. As the same has been filed supported by an affidavit, signed by the petitioner himself, the Court, at this stage, would not doubt its authenticity. However, it shall be open to the opposite party no. 2, if any controversy arises with regard to the said compromise petition.

5. The petitioner apprehends arrest in connection with Complaint Case No. 1839 of 2018 dated 20.10.2018, instituted under Section 498A of the Indian Penal Code.

6. The petitioner, who is the husband of opposite party no. 2, is alleged to have tortured the opposite party no. 2 for dowry and ousted her from the matrimonial home.

7. As there is a compromise on record in which the opposite party no. 2 has stated that she is not willing to live with the petitioner and has no claim against him as also the report from the Superintendent of Police, West Champaran that she and her family members have stated that she would not go and live with the petitioner, the Court is inclined to grant pre-arrest bail



to the petitioner.

8. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran, Bettiah in Complaint Case No. 1839 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further, one of the bailors shall be a close relative of the petitioner. The petitioner shall cooperate with the Court. Failure to do so, shall result in cancellation of his bail bonds.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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