

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31184 of 2020

Arising Out of PS. Case No.-131 Year-2019 Thana- MAHILA P.S. District- Bhojpur

MIR SAHRE ALAM Son of Mir Md. Samimuddin Resident of Village -
Jitapur, P.S.- Mohania, District - Kaimur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Farhat Sabbu Wife of Mir Sahre Alam Resident of Village - Ward No. 14,
Piro Nagar Parishad, P.S.- Piro, District - Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Adv.
For the Opposite Party No.1: Mr.Ram Chandra Singh, APP
For the Opposite Party No.2: Mr. Md. Ataul Haque, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-02-2021 Mr. Md. Ataul Haque, learned counsel has entered
appearance on behalf of the opposite party no.2.

The petitioner, in the present case, is seeking pre-arrest
bail in connection with Bhojpur Mahila P.S. Case No.131/2019
registered for the offence punishable under Sections 323, 498A, 504
and 506 of the Indian Penal Code and Section 3/4 of the D.P. Act.

Learned counsel for the petitioner as well as learned
counsel for the O.P. No. 2 jointly submit on instruction that both the
parties are willing to resolve their disputes amicably and for this
purpose the petitioner shall visit the place of O.P. No. 2 within a
period of two weeks from today and shall bring her back to her
matrimonial home where she will be allowed to live peacefully with
full dignity and care.



Learned counsel for the O.P. No.2 submits that if the petitioner visits the place of opposite party no.2 within the aforesaid period, the opposite party no.2 shall definitely accompany him. However, learned counsel for the opposite party no.2 has requested this Court to watch the conduct of the petitioner after he brings back opposite party no.2 to his matrimonial home.

Learned APP for the State is present, however, in the given facts and circumstances of the case he does want to argue.

Having regard to the facts and circumstances of the case, as agreed between the parties hereinabove, let the petitioner above named be released on provisional bail for a period of two months in the event of his arrest or surrender within a period of four weeks from today on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bhojpur at Ara in connection with Bhojpur Mahila P.S. Case No.131/2019, 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.

Thereafter the parties shall appear before the learned court below whereafter 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'.

