

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33866 of 2020

Arising Out of PS. Case No.-135 Year-2018 Thana- RAXAUL District- East Champaran

Madhu Patel, aged about 28 years, Male, Son of Ashok Patel, Resident of Village - Sahdeva, P.S. - Raxaul, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the State : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Prateek Tandon, learned counsel for the petitioner and Mr. Humayou Ahmad Khan, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Raxaul PS Case No. 135 of 2018 dated 16.06.2018, instituted under Sections 341/323/498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, 1961.

4. The petitioner is the husband of the informant and there is allegation of torture and demand of dowry and also of ousting the informant from the matrimonial home along with her son.



5. Learned counsel for the petitioner submitted that after filing of the application, the informant has returned to the matrimonial home and they are living together without any complain.

6. Learned APP submitted that since the informant has returned to the matrimonial home, there is no more any apprehension of arrest and, thus, the petitioner may appear before the Court below and seek bail.

7. Learned counsel for the informant submitted that the petitioner should appear before the Court below along with the informant and pray for bail on the ground of there being compromise.

8. Having considered the aforesaid, the application stands disposed off in the following terms.

9. The petitioner shall appear before the concerned Court below, along with the informant, within three weeks from today, along with a copy of this order, the Court shall record the statement of the informant. The petitioner shall also undertake that the informant and their minor son would be kept in the matrimonial home with full dignity, honour and security and all their needs shall be taken care of and further that the informant shall be free to talk to, meet and visit any person she desires



without any let or hindrance, either by the petitioner or his family members.

10. If the petitioner gives such undertaking before the Court below and the informant states that she has voluntarily compromised the matter, the petitioner shall 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, Motihari, East Champaran in Raxaul PS Case No. 135 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

11. However, any violation of the terms and condition of the undertaking by the petitioner shall lead to cancellation of his bail bonds upon application being filed by the informant bringing to the notice of the Court such violation, after giving opportunity of hearing to the petitioner.

(Ahsanuddin Amanullah, J)

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