

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82516 of 2019

Arising Out of PS. Case No.-222 Year-2019 Thana- KATEYA District- Gopalganj

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1. Tarkeshwar Sharma, Gender-Male, aged about 23 years, son of Inderjeet Sharma.
 2. Inderjeet Sharma, Gender-Male, aged about 55 years, son of Turi Sharma.
 3. Chhotu Sharma, Gender-Male, aged about 20 years, son of Inderjeet Sharma.
 4. Girja Devi, Gender-Female, aged about 50 years, wife of Inderjeet Sharma.
- All are resident of Village - Bhanauti, P.S.- Kateya, Distt - Gopalganj.

... .. Petitioners

Versus

1. The State of Bihar.
2. Sunita Devi, D/o Arjun Sharma, resident of Village - Chamaripati, P.S.- Phulwaria, District - Gopalganj.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Javed Aslam, Advocate
For the State	:	Mr. Ansar Ul Haque, APP
For Opposite party no.2	:	Mr. Vyas Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 22-10-2021 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the opposite party no.2 through video conferencing.

The petitioners seek anticipatory bail in connection with Kateya P.S. Case No. 222 of 2019 registered for the offences under Sections 498A, 307/34 of the Indian Penal Code and under Sections 3/ 4 of the Dowry Prohibition Act.

The petitioners no. 2, 3 and 4, were granted



anticipatory bail by a coordinate Bench of this Court vide order dated 06.02.2020.

So far as petitioner no.1 is concerned, notice was issued to opposite party no.2, who appeared and filed her Vakalatnama. Specific statement was made in the Court on 06.02.2020 that the petitioner no.1 is ready to keep the opposite party no.2 with full honour and dignity.

From the impugned order, it transpires that before the Sessions Judge, Gopalganj, the opposite party no.2 had appeared in person and she showed her willingness for going to her matrimonial house with the petitioner no.1 and she was carrying seven months pregnancy.

In such view of the matter, the petitioner no.1 is directed to visit his *Sasural* and take opposite party no. 2 with him before 01.11.2021 and thereafter both the parties will file an application in the Court below that they have amicably settled their disputes and they are staying together. The petitioner no.1 will also provide a separate mobile phone and number to opposite party no.2 from which she can talk to her parents as and when she desires.

On filing of the aforesaid application by both the parties in the Court below, the Court below will release the



petitioner no.1 on provisional bail for a period of three months on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Gopalganj, in connection with Kateya P.S. Case no. 222 of 2019 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

After completion of three months, both the parties will again appear before the learned Court below. The Court below will verify the conduct of both the parties and thereafter take a decision either to confirm the provisional bail or to cancel the same in the facts of the case.

Till filling of the application by both the parties in the Court below, the interim protection granted to the petitioner no.1 vide order dated 12.12.2019 shall continue to operate.

With the aforesaid observations and directions, this bail petition is allowed.

(Sandeep Kumar, J)

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