

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.84451 of 2019

Arising Out of PS. Case No.-1297 Year-2017 Thana- COMPLAINT CASE District- Banka

1. Chandan Kumar Sharma, aged about 30 years (Male), son of late Akhilesh Sharma.
2. Salehar Devi @ Selhar Devi @ Slehar Devi, aged about 62 years (Female), wife of Late Akhilesh Sharma, both resident of Jokihat, P.S.- Jokihat, District- Arariya.

... .. Petitioners

Versus

1. The State of Bihar.
2. Kajal Devi, aged about 27 years (Female), wife of Chandan Kumar Sharma, D/o Sunil Kumar Ray, Resident of Jokihat, P.S.- Jokihat, Distt.- Arariya

... .. Opposite Parties

Appearance :

For the Petitioners : Mr. Ajay Mukherjee, Advocate
For the Opposite Parties : Mr. Ramesh Chandra, APP
Mr. Mritunjay Prasad Singh, Advocate
Mr. Dilip Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 16-12-2021 Heard learned counsel for the parties.

The petitioners seek anticipatory bail in connection with Complaint Case No. C-1297 of 2017 registered for the offences under Sections 323, 498-A, 504 of the Indian Penal Code and under Sections 3/ 4 of the Dowry Prohibition Act.

Learned counsel for the petitioners submits that the petitioner no.1 is ready to keep opposite party no.2 with full honour and dignity.

Learned counsel for the opposite party no.2 submits that opposite party no.2 is also ready to live with the petitioner no.1.



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 01.01.2022 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 mobile 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 petitioners on provisional bail for a period of three months on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Banka, in connection with Complaint Case No. C-1297 of 2017 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

After completion of three months, the petitioners and opposite party no.2 will again appear before the learned Court below. The Court below will verify the conduct of petitioner no.1 and opposite party no.2 and thereafter take a decision either to confirm the provisional bail of the petitioners



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 19.12.2019 shall continue to operate.

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

(Sandeep Kumar, J)

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