

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30877 of 2021

Arising Out of PS. Case No.-715 Year-2018 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Upendra Shaw, son of Ganesh Sah, Resident of Village- Sadipur, P.S.-
Pirpainty, District- Bhagalpur

... .. Petitioner

Versus

1. The State of Bihar.
2. Lalita Devi, W/o Upendra Shaw, D/o Sri Ramanath Singh, R/o Vill-
Mananpur, P.S.- Hasanganj, District- Katihar.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Vibhakar Kumar, Advocate
For the Opposite Party : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

3 29-03-2022

Heard learned counsel for the parties.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

This application for anticipatory bail arises out of
Complaint Case No. 715 of 2018 for the offence punishable
under Section 498-A of the Indian Penal Code and under
Section 3/4 of the Dowry Prohibition Act.

The petitioner has made following statement in
paragraph no.11 of the bail petition, which reads as under:-

*“11. That the complainant has filed a maintenance
case No.28 of 2019 in the family court, Katihar and
she also lodged Matrimonial Case No. 510/2017
which has withdrawn in compromise or
cancellation.”*



In view of aforesaid statement of the petitioner, this bail application is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar, in connection with Complaint Case No. 715 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

However, at the time of accepting the bail bonds of the petitioner, the Court below will verify from the opposite party no.2 whether there has been any compromise between the parties or not. If it is found that the compromise has taken place between the parties then, the bail bonds of the petitioner shall be accepted by the Court below. If it is found that no such compromise has taken place between the parties, in such a situation, the Court below shall not accept the bail bonds of the petitioner and he shall be taken into custody.

(Sandeep Kumar, J)

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