

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55422 of 2022

Arising Out of PS. Case No.-278 Year-2021 Thana- MUFFASIL District- West Champaran

Sultan @ Dilshad @ Khurshed Alam @ Md. Khurshid Alam Son of Abdul Rahman Resident of Village- Sakri Chanda tol Manvriava, P.S.- Sakri, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-02-2023 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Muffasil P.S. Case No. 278 of 2021 for the offence registered under Sections 323, 494, 498(A), 504, 506 and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

As per the prosecution story, the marriage solemnized in the year 2016 but she was regularly tortured for dowry and in 2018, she was forced out of the house. The further allegation is of solemnizing second marriage in 2021. Accordingly, the FIR was lodged.

The matter was sent to the Mediation Centre but as



per the report dated 02.02.2023, the same failed.

Yesterday, dated 08.02.2023 when the matter was taken up, it was jointly prayed for by both the parties that they are trying to come to an amicable settlement and in that backdrop, the case was adjourned for the day.

Today, on call, when the case was taken up, it has been jointly submitted by both the parties that the petitioner will be paying Rs. 5 lakhs to the informant beginning with payment of Rs. two lakhs at the time of execution of bail bond followed by Rs. One lakh every month by the last day of that month which will conclude in the month of May, 2023.

Considering the aforesaid development that has taken place and the informant has consented for it, the petitioner do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail subject to conditions as stated above.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., West Champaran, Bettiah in connection with Muffasil P.S. Case No.



278 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall co-operate in the investigation and made himself available to the police as and when required.

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(Rajiv Roy, J)

Jagdish/Neha/-

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