

**(2020) 12 PAT CK 0175**

**In the Patna High Court**

**Case No : Criminal Miscellaneous No. 78457 Of 2019**

Md. Amzad Ali @ Md. Amjad Ali

APPELLANT

Vs

State Of Bihar And Anr

RESPONDENT

**Date of Decision : 18-12-2020**

**Acts Referred:**

Indian Penal Code, 1860 — Section 498A  
Dowry Prohibition Act, 1961 — Section 4  
Code Of Criminal Procedure, 1973 — Section 438(2)

**Citation : (2020) 12 PAT CK 0175**

**Hon'ble Judges : Ahsanuddin Amanullah, J**

**Bench : Single Bench**

**Advocate : Anil Prasad Singh, Bal Mukund Prasad Sinha, Md. Naushaduzzoha**

**Final Decision : Disposed Of**

## **Judgement**

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Anil Prasad Singh, learned counsel for the petitioner; Mr. Bal Mukund Prasad Sinha, learned Additional Public Prosecutor (hereinafter

referred to as the "APP") for the State and Mr. Md. Naushaduzzoha, learned counsel for the opposite party no. 2.

3. The petitioner apprehends arrest in connection with Complaint Case No.2917-C of 2018 dated 22.12.2018, instituted under Sections 498-A of the

Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961.

4. Pursuant to the earlier orders and mediation, the opposite party no. 2 is now living in her matrimonial home with the petitioner. However, today, the

stand of the learned counsel for the opposite party no. 2 is that she may face adverse conditions. On a query of the Court as to whether there was any

specific apprehension, learned counsel said that for the present, there is none, but because of the past experience, the opposite party no. 2 is not very confident that the petitioner would be nice with her for long.

5. Learned APP submitted that the Court may grant liberty to the opposite party no. 2 to file petition before the Court below in the event she has any problem and the Court below be directed to take immediate notice of the same and pass appropriate orders.

6. Learned counsel for the parties also agreed to such suggestion of learned APP.

7. Having regard to the aforesaid, provisional bail of the petitioner stands confirmed and he shall furnish fresh bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the SDJM, Araria, in Complaint Case No. 2917-C of 2018, subject to the

conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further, (i) that one of the bailors shall be a close relative of the

petitioner, (ii) that the petitioner shall give an undertaking before the Court that he shall keep the opposite party no. 2 with him, wherever he resides,

with full dignity, honour and security and shall take care of all her needs and that she shall be free to meet, talk to and visit anybody whom she desires

without any let or hindrance by the petitioner or his family members. Any violation of the terms and conditions of the bail bonds as well as the

undertaking shall have the following effect.

8. The opposite party no. 2 shall be free to file an application before the Court below with regard to her grievance and the Court concerned shall

immediately take up the matter and after hearing the parties pass appropriate orders. If it is found that the grievance of the opposite party no. 2 is

correct, the bail bonds of the petitioner shall be cancelled and it will be deemed that the present application has been dismissed.

9. However, the Court would indicate that both the parties, whenever they are going out of the house, should at least inform the other side with regard

to where they are going so that no confusion is created and further it shall be ensured that they do not go out for long duration, without mutual consent,

as it will be an unnecessary strain on the already fragile relationship between the parties which, at this stage, is needed to be nurtured and

strengthened.

10. The application stands disposed off in the aforementioned terms.