

(2021) 03 PAT CK 0204

In the Patna High Court

Case No : Criminal Miscellaneous No. 78790 Of 2019

Sadhu Yadav And Anr

APPELLANT

Vs

State Of Bihar And Anr

RESPONDENT

Date of Decision : 22-03-2021

Acts Referred:

Indian Penal Code, 1860 — Section 494, 498A
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 03 PAT CK 0204

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Rajesh Kumar Sinha, Mritunjay Kumar Nirala, Shiv Nandan Prasad

Final Decision : Disposed Of

Judgement

1. Heard Mr. Rajesh Kumar Sinha, learned counsel for the petitioners; Mr. Mritunjay Kumar Nirala, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Shiv Nandan Prasad, learned counsel for the opposite party no. 2.

2. The petitioners apprehend arrest in connection with Complaint Case No. 75C of 2018 dated 19.01.2018, instituted under Sections 498A/494 of the Indian Penal Code.

3. Pursuant to the earlier orders, fifth supplementary affidavit has been filed on behalf of the petitioner in which it has been stated that the exercise of transfer of land in favour of the sons of opposite party no. 2 has been completed and registered deed dated 06.02.2021 is with the petitioners. It was submitted that compromise has been worked out between the parties and, thus, on the next date, the parties shall appear before the Court below where the opposite party no. 2 shall file her written compromise/consent with regard to the case being disposed off as the grievance has been redressed and the petitioners shall hand over the original registered transfer deed to the opposite party no. 2.

4. The Court shall record such fact and thereafter pass appropriate orders on the basis of the stand taken by the opposite party no. 2 with regard to her having compromised the matter and having no grievance against the accused, including the petitioners.

5. In the meantime, in the event of arrest or surrender before the Court below, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Jamui in Complaint Case No. 75C of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further that one of the bailors shall be a close relative of the petitioners.

6. It shall also be open for the opposite party no. 2 to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

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