

IN THE COURT OF SESSIONS JUDGE, BANKA

B.P. No. 2871 of 2022

Amitesh Anand **V.** The State of Bihar

28.09.2022

ORDER

The bail petition has been filed on behalf of the accused-petitioner, Amitesh Anand, who is in custody since 02.09.2022, in connection with Banka Mahila P.S. Case No. 17 of 2022, registered for the offences punishable under Section(s) 498-A/323/324/307/354-B/504/506/34 of IPC.

The prosecution case, in brief, is that the marriage between the informant Gitanjali Anand and the petitioner was performed as per Hindu rites on 12.05.2011 and out of the wedlock, a male and a female child were born to them. It is further alleged that since after the marriage, the petitioner and others used to torture the informant physically and mentally for fulfillment of their dowry demand. It is further alleged that on 24.08.2021, the petitioner and others assaulted the informant and drove her out of her nuptial house snatching her belongings. It is also alleged that on 12.04.2022, the brother of the informant went to the matrimonial house of the informant to invite the petitioner and his family members in the worship function organized at the maternal house of the informant, but the petitioner and his family members abused and assaulted him.

Heard Sri Puroshottam Mishra, learned counsel for petitioner as well as Sri Hira Lal Singh, learned P.P. for the State and Sri Arvind Kumar Singh, learned counsel for the informant-opposite party no. 2.

Learned counsel for petitioner has submitted that no bail petition has been filed or moved previously either before this Court or any higher court. Petitioner is innocent and has committed no offence. Petitioner has falsely been implicated in this case due to family feud. He further submits that petitioner is husband of the informant Gitanjali Anand. All alleged sections are bailable except Sections 498-A/307/354-B of IPC, which are not applicable against the petitioner as the petitioner has neither demanded any kind of dowry from the informant nor tortured her for the same. Petitioner is ready to keep the informant along with her child with full dignity and honour. He also submits that both the parties have entered into compromise and in this regard, a compromise petition has been filed duly signed by both the parties.

IN THE COURT OF SESSIONS JUDGE, BANKA

B.P. No. 2871 of 2022

Petitioner is in custody since 02.09.2022. So, the petitioner may be enlarged on bail.

On the other hand, learned P.P. for the State as well as learned counsel for the informant also concedes that both the parties have entered into compromise.

Hearing both sides and from perusal of record, it appears that petitioner is husband of the informant-opposite party no. 2, Gitanjali Anand. The informant appears, in person, before this Court and the petitioner is also produced from judicial custody on production warrant. Conciliation conducted between the parties. A joint compromise has been filed on behalf of the parties stating therein that they have settled their disputes amicably. An undertaking has also been filed on behalf of the petitioner affirming therein that he will keep the informant along with her two children with full dignity and honour and never torture her in future.

In aforesaid facts and circumstances and keeping in view the restoration of matrimonial relation between the parties, I am inclined to grant bail to the petitioner. Accordingly, the present petition is allowed. Let the petitioner, above named, 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 court below subject to condition that the petitioner will abide the undertaking as filed by him and if the petitioner will not abide the undertaking, the learned court below shall be at liberty to cancel the bail bond of the petitioner without any reference.

(Dictated)
Sd/- Sri Devraj Tripathi
Sessions Judge
Banka

Memo No..... Banka, Dated, the 28th September, 2022.

Copy forwarded to learned SDJM, Banka for information and needful.

Sessions Judge
Banka