

Satish Kumar Vishwakarma @ Satish Sharma Vs State Of Bihar And Anr

Court: Patna High Court

Date of Decision: July 13, 2020

Acts Referred: Indian Penal Code, 1860 â€” Section 498A
Code Of Criminal Procedure, 1973 â€” Section 438(2)

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Sanjay Kumar, Md. Arif

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. Sanjay Kumar, learned counsel for the petitioner; Mr. Md. Arif, learned APP for the State and Mr. Imran, learned counsel for the opposite party no. 2.
3. The petitioner apprehends arrest in connection with Complaint Case No. 289(C) of 2019 dated 23.03.2019 instituted under Section 498A of the Indian Penal Code.
4. Learned counsel for the petitioner submitted that he is the husband of the opposite party no. 2 and during the pendency of the case, the parties have compromised and have agreed to separate.
5. Learned counsel for the opposite party no. 2 does not controvert the position.
6. It was jointly submitted that a compromise has been filed before the Court below but no orders have been passed and due to the prevailing circumstances, it is not certain that when the Court may be in a position to pass orders on the same.
7. Learned APP submitted that once the parties have compromised, the Court may consider the prayer made in the present application.
8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that once there was compromise between the parties, which is accepted before the Court, for the ends of justice, the petitioner is entitled to protection.
9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon

furnishing bail bonds of Rs. 25,000/-(Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM IV,

Buxar in Complaint Case No. 289(C) of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

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