

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37492 of 2014

Arising Out of PS.Case No. -358 Year- 2014 Thana -NAWADA District- NAWADA

Sumit Singhaniya Son of Sri Ashok Singhaniya, R/o Lakho Binda Campus,
Santu Nagar Chowk, P.S.-Madhubani, District - Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Agrawal

For the Opposite Party/s : Mr. Md. Fahimuddin(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 13-03-2015

Heard learned counsels for the petitioner,

State and the informant.

The petitioner being the husband of the daughter informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323, 504, 506/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

The marriage between the petitioner and the daughter of the informant and birth of a male child are admitted facts.

The petitioner and the daughter of the informant are present and both submit that the terms of the compromise have been prepared on their instruction.



Both sides agree to part ways on payment of permanent alimony of rupees twelve lakhs. A joint compromise petition to that effect with the signature of the petitioner, the informant and the daughter of the informant has been filed, wherein the petitioner undertakes to make payment of rupees twelve lakhs in six monthly installments of rupees two lakhs each. Out of which draft of rupees two lakhs drawn on HDFC Bank is being produced, which is being handed over to the counsel for the informant for being handed over to the daughter of the informant. It is expected from learned counsel for the informant to make necessary endorsement to that effect on the record.

Counsel for the informant undertakes that the daughter of the informant will submit her bank account number before the learned court below on affidavit within a period of three weeks in which the cheque/draft of the balance alimony amount will be deposited.

It is also agreed between the parties that an application under Section 13B of the Hindu Marriage Act will be filed before a court of competent jurisdiction within a period of four weeks. It is jointly submitted by learned counsel for the petitioner and the informant that the application for withdrawal/ compromise of the present case i.e. Nawada P.S. Case No. 358 of

2014 will be filed within four weeks before the court of learned Chief Judicial Magistrate, Nawada.

It is expected from the concerned Principal Judge, Family Court where the application under Section 13B of the Hindu Marriage Act will be filed and the court of learned Chief Judicial Magistrate, Nawada where the present criminal proceeding is pending to dispose of the same in accordance with law on final payment of permanent alimony amount.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 358 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The either party will have liberty to file an appropriate application, if either party fails to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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