

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9928 of 2015

Arising out of PS.Case No. -28 Year- 2014 Thana -MAHILA P.S. District- SITAMARHI

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Sanjay Kumar @ Sanjay Kumar Singh, Son of Sri Ram Babu Singh, resident of village - Matiyar, P.S. Sahiyara, District - Sitamarhi, at present resident of Amghatta Road, Ward No. 1, Dumra, P.S. Dumra, District – Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar.
2. Poonam Kumari, daughter of Sri Parmeshwar Singh, resident of village - Dostpur, P.S. Bathnaha, District – Sitamarhi.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Arun Kumar, Advocate.
For the State : Mr. Asha Kumari(App)
For the O.P. No. 2 : Mr. Anil Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 21-05-2015 The petitioner is apprehending his arrest in connection with Sitamarhi Mahila P.S. Case No. 28 of 2014 for the offences instituted under Sections 341, 323, 498(A), 504/34 of the Indian Penal Code and ¾ of the D. P. Act.

Heard learned counsel for the petitioner, State and learned counsel for the informant.

The prosecution story, in brief, is that the informant was married with this petitioner according to the Hindu rites and custom on 30.04.2007. She went to her Sasural and lived happily for 8-9 months. She did not become pregnant. Then her husband Sanjay Kumar Singh (petitioner), father-in-law and Ram Babu



Singh, mother-in-law (Nirmala Devi) and Nanad Pinki Kumari and Rinki Kumari, started passing comments that she is infertile. They told the informant that they will perform second marriage of her husband. She called her father, who got treatment of her husband from doctor. The doctor told that her husband takes heavy liquor, on account of which, he is suffering from lung disease and his reproductive capacity has become lower. Father of the informant spent two lacs on the treatment, but the informant's husband did not leave his habit of taking liquor. It is alleged that the husband (petitioner), father-in-law, mother-in-law and both the Nanads, started giving pressure to the informant to bring Rs. 5 lacs from her father. She showed her inability. Then, they stopped her meal. They also attempted to kill her by pressing her neck. She again informed her father and her father gave Rs. 2 lacs to her husband. The accused-persons again started torturing the informant for non-fulfillment of remaining amount of Rs. 3 lacs. It is further alleged that on 21.06.2014 at 10.00 A.M., her husband came in drunken state and assaulted the informant brutally and told that she could not give birth to a child. It is further alleged that she was assaulted by her husband and other accused-persons with fists and legs. The accused Ram Babu Singh brought gallon of Kerosene oil and Nirmala Devi poured Kerosene oil on the

body of the informant, and went to bring match-box from the kitchen, and in the meantime, the informant fled away. She was saved by the intervention of the villagers. She called her father on telephone, who came and took the informant with him to her maik.

As jointly, it has been submitted that outside the Court, a settlement has been arrived at between the parties and as per the said settlement, the petitioner will pay amount of Rs. 4,00,000/- (Rs. Four Lacs) to the informant as a full and final settlement.

Considering the aforesaid facts, the petitioner is directed to deposit amount of Rs. 4,00,000/- (Rs. Four Lacs) in the court below which shall be released in favour of the informant. It is further directed to the court below, that matrimonial case between the parties shall be decided within a period of two months and final decree of mutual divorce shall be passed. It is further directed that the complaint case also be withdrawn in the light of the said compromise entered into the parties.

In the light of the aforesaid directions, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of eight weeks from today in connection with Sitamarhi Mahila P.S. Case No. 28 of 2014 on furnishing bail bond of Rs.10,000/-

(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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