

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22277 of 2016

Arising Out of PS.Case No. -622 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Ranjan Kumar Gupta, son of Akhilesh Gupta
 2. Akhilesh Gupta @ Akhilesh Prasad Gupta son of Late Mahendra Sah
 3. Shanti Devi, wife of Akhilesh Gupta
- All are resident of Mohalla-Kopa Bazar, P.S.-Kapa, District-Chapra

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Guriya Gupta, wife of Ranjan Kumar Gupta, at present Langer Toli Gali, P.S.-Kadam Kuan, District-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Mr. Ramchandra Sahni

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 22-11-2016

The petitioner No. 1 being husband of the complainant and petitioner Nos. 2 and 3 being the parents of petitioner No. 1 are apprehending their arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 494, 496 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand of Rs. 1,00,000/-. It is also alleged that petitioner No. 1 has performing second marriage.

The petitioner No. 1 and the complainant are present in the Court.

It is submitted by learned counsel for the

petitioners that petitioner No. 1 admits his marriage with the complainant and is ready to keep the complainant with dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

“That it is humbly submitted here that the petitioner no. 1 being the responsible husband, is ready to keep the complainant with full honour, dignity and respect.”

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority vide order dated 08.08.2016. The report of the Mediator at Flag-M.R dated 19.09.2016 reflects that the issue has been resolved between the parties. Both the petitioner No. 1 and the complainant agree to reside together in newly built house at Kopa Bazar. The petitioner No. 1 undertook to keep the complainant with dignity and honour. The complainant is also ready to live with her husband along with her in-laws and undertook to give due respect to her in-laws and in pursuance to the agreement the complainant agreed to go with petitioner No. 1 to her matrimonial house from the Mediation Centre itself.

Mr. Indra Mohan Kumar, learned counsel for the complainant submits that complainant, in pursuance to the agreement arrived at between the mediation centre is residing with the petitioner No. 1. The complainant arrived at to the

agreement in spite of the fact that she is aware that petitioner No.1 has performed second marriage. Hence, at present, the complainant is not opposing the prayer for bail of the petitioner No.1.

Considering the rival submissions of the parties, keeping in view of the agreement arrived at between the petitioner No. 1 and the complainant and the present stand of the complainant, let the petitioner No. 1, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna in connection with Complaint Case No. 622(C) of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The complainant will be at liberty to file appropriate application for cancellation of bail of petitioner No. 1 if petitioner No. 1 substantially fails to comply the terms of the agreement arrived at between the parties during mediation.

Considering the fact that thrust of accusation is against petitioner No. 1 and the agreement arrived at between the petitioner No. 1 and the complainant, let the petitioner Nos. 2 and 3, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on

furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna in connection with Complaint Case No. 622(C) of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the order of this Court be transmitted to the learned Court below along with the report of the Mediator at Flag-M.R dated 19.09.2016 and the memorandum of agreement arrived at between the petitioner No. 1 and the complainant during mediation.

(Dinesh Kumar Singh, J)

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