

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4156 of 2016

Arising Out of PS.Case No. -71 Year- 2015 Thana -MAHILA P.S. District- MUZAFFARPUR

1. Vivek Kishore Son of Sujay Chandra Kishore, resident of D/104 Raj Kishori Complex, Mool Chand Path, Chitragupta Nagar, P.S. Patranagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukund Kumar

For the Opposite Party/s : Mr. Raj Kishor Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 22-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 420, 120B, 504 and 506 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and was initially ready to keep her with full dignity and honour. Statement to the aforesaid effect has been made in paragraph 6 of the petition which reads as follows:

“That the petitioner is the husband of the informant. He is always ready to keep his wife with full dignity, honour and care provided she co-operate with him as his wife.”

A joint affidavit has been filed on behalf of the petitioner and the informant to the effect that both the sides decided to part their ways on the payment of permanent alimony of rupees eighteen lacs and to file Matrimonial Suit under section 13(B) of the Hindu Marriage Act for dissolution of marriage with mutual consent before the learned Principal Judge, Family Court, Muzaffarpur within a period of four weeks. The petitioner further agreed to make payment of rupees three lacs through bank draft out of rupees eighteen lacs at the time of filing of the matrimonial suit and rest rupees fifteen lacs by way of submission of bank draft before the Principal Judge, Family Court, Muzaffarpur within six months from the date of filing of the matrimonial suit. Though it was stipulated in the joint compromise petition that the informant will be entitled to receive the aforesaid amount of rupees eighteen lacs after closing of evidence and before passing the judgment in the matrimonial suit but it is jointly submitted that rupees three lacs will be released by learned court below in favour of the informant within one week of the filing of the matrimonial suit and rest rupees fifteen lacs will be released by the learned court below in



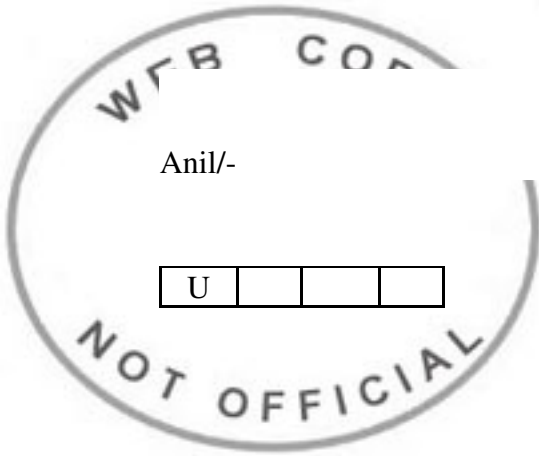
favour of the informant after completion of evidence of the informant in matrimonial suit. Either side will not have any claim against each other and both sides agree to file appropriate application with regard to resolution of issue in the maintenance case no. 413 of 2015, Mahila (Muzaffarpur) P.S. Case No. 71 of 2015, Matrimonial Case No. 966 of 2015 as well as Complaint Case No. 3104 C of 2015 filed by the father of the petitioner before the learned Sub-Judge-cum ACJM, IX, Patna.

Learned counsel for the informant does not dispute the contention of the learned senior counsel for the petitioner.

Considering the present stand of the parties let the above named petitioner be released on anticipatory bail in the event of 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 ACJM, Muzaffarpur in connection with Mahila P.S. Case No.71 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

It is expected from the learned Principal Judge, Family Court, Muzaffarpur and learned Sub-Judge-cum ACJM, IX, Patna to dispose of the concerned proceedings in view of the present stand of the petitioner in accordance with law

expeditiously.



(Dinesh Kumar Singh, J)

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