

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48310 of 2015

Arising Out of PS.Case No. -1979 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Chandan Kumar @ Chandan Kumar Mandal Son of Subodh Mandal
resident of village Hemra, P.S. Goradih, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shabnam Raj @ Shabnam Devi D/o Suresh Mandal R/o Village -
Habibpur (Koeri Tola), P.O. + P.S. - Habibpur, Dist - Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Mukesh Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 29-09-2016

The petitioner is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences under Section 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

The prosecution case is that the complainant claims to have performed marriage with the petitioner and thereafter torture was inflicted for non-fulfilment of the dowry demand.

It was initially submitted by learned counsel for the petitioner that petitioner denies the factum of marriage. The complainant happens to be the maternal sister of the petitioner. Hence, the marriage between the petitioner and the complainant could not have been performed as the complainant is within the prohibited degree relationship with the petitioner.

Today, a petition with the joint signature of the complainant and the petitioner has been filed to the effect that both the petitioner and the complainant decided to part ways on payment of Rs. 1,00,000/- as one time settlement amount, out of which Rs. 50,000/- has already been paid to the complainant in the month of February, 2016 and the rest Rs. 50,000/- will be paid to the complainant at the time of furnishing bail bonds. Both sides agree to file appropriate suit under Section 13(B) of the Hindu Marriage Act for the dissolution of marriage. Both sides also agree to file appropriate application before learned Court below stipulating the present stand of the parties.

Mr. Sanjeet Kumar Tiwary (AOR No. 02769), learned counsel for the complainant does not controvert the contention of the counsel for the petitioner.

Considering the above mentioned facts, let the petitioner, 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, Bhagalpur in connection with Complaint Case No. 1979 of 2013.

(Dinesh Kumar Singh, J)

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