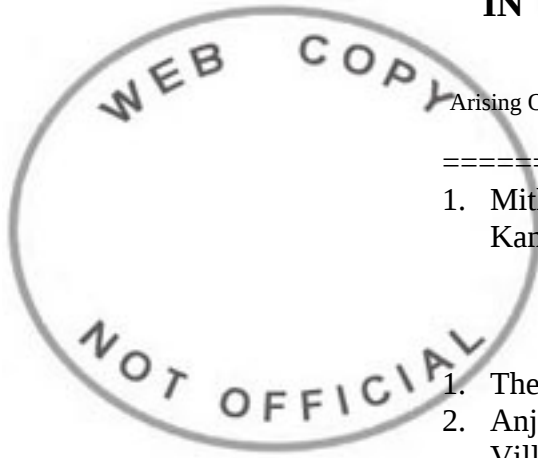




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5591 of 2016

Arising Out of PS.Case No. -127 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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1. Mithilesh Kumar S/o Dukhit Singh resident of Village- Muzaffara Kamtaul, P.S. Kurhani, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Anjali Kumari W/o Mithilesh Kumar D/o Suresh Singh at present R/o Village Rajarampur P.S. Saraiya District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.I
For the Opposite Party/s : Mr. Nirmal Kumar Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 08-09-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences under Sections 323, 498A, 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant but since the complainant was caught in objectionable condition with one Uma Shankar Kumar, hence

petitioner is not in a position to keep the complainant.

A supplementary affidavit has been filed to the effect that both sides have decided to part ways on payment of one time settlement amount of Rs. 1,10,000/-. The petitioner is handing over two drafts of Rs. 40,000/- each bearing draft nos. 816358 and 816361 drawn in favour of the informant by Allahabad Bank to the counsel for the complainant for its being handing over to the complainant. The petitioner further undertakes to submit a draft of Rs. 30,000/- before learned Court below within a period of two weeks from the date of receipt/production of the copy of this order.

The above contention of the counsel for the petitioner is not being controverted by the counsel appearing on behalf of the complainant.

Both sides agree to file appropriate application for withdrawal/compromise of all the cases filed against each other.

It is expected from the counsel for the complainant to endorse the receiving of two drafts in the petition.

Considering the present stand of the parties, 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, West, Muzaffarpur in connection with Complaint Case No. 127 of 2015, Trial No. 3655 of 2015.

Learned court below will release the draft of Rs. 30,000/- in favour of the complainant.

(Dinesh Kumar Singh, J)

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