

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30238 of 2015

Arising Out of PS.Case No. -106 Year- 2014 Thana -KOILWAR District- BHOJPUR

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Santosh Kumar Son of Bandhu Mahto

.... Petitioner/s

Versus

1. The State of Bihar

2. Baijanti Devi wife of Santosh Kumari,daughter of Chandradeo Mahto

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar, Advocate

For the Opposite Party/s : Mr. Uday Chandra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

12 23-08-2016

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

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Section 498A/34 and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

Though, on joint prayer of the parties, this Court vide order dated 10.03.2016, referred the matter to the Mediation and Conciliation Centre of Bihar State Legal Services Authority, but the report of the mediator dated 04.05.2016 kept at Flag'M' reflects that the dispute could not be resolved through the process of

mediation.

Petitioner and the informant are present in the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant having no issue.

A joint compromise petition has been filed to the effect that both the parties have decided to part ways by filing appropriate matrimonial suit before the learned Court below under section 13B of the Hindu Marriage Act and on payment of one time settlement amount of Rs.1,25,000/- in six installments of which first installment of Rs.25000/- has to be deposited in the bank account of the informant and rest Rs.1,00,000/- to be paid in five equal monthly installments. Though, the compromise petition does not stipulate the date on which first installment of Rs.25000/- will be deposited in the bank account of the informant, but it is submitted by learned counsel for the petitioner that Rs.25000/- will be deposited at the time of furnishing the bail bonds and rest Rs.1,00,000/- in five monthly installments in next five months of executing the bail bonds.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail provisionally for six months, in the event of arrest or surrender

before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilwar P.S. Case No.106/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned Court below on payment of entire one time settlement amount of Rs.1,25,000/-.

(Dinesh Kumar Singh, J)

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