

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40961 of 2015

Arising Out of PS.Case No. -2352 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Arvind Kumar S/o Sri Lalan Prasad Resident of Village Kurthoal
(Brahmasthan), P.S. Parsa Bazar, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Arati Kumari D/o Sri Sahadeo Prasad Mohalla NaZirpur (Prabhat
Nagar), P.O. Sheikhpur, P.s. Ahiyapur, District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh

For the Opposite Party/s : Mr. Smt.Pronati Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 01-08-2016 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 punishable under Sections 323, 379, 406, 307, 498A 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 and making assault.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the petitioner is always ready

to keep the complainant as wife with full dignity and maintain her.”

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the State Legal Services Authority vide order dated 15.03.2016. The report of the Mediator at Flag-A dated 29.06.2016 reflects that both the petitioner and the complainant have decided to part ways and consequently a draft of one time settlement amount of Rs. 60,000/- was handed over to the father of the complainant along with other belongings of the complainant. Hence, it is submitted by learned counsel for the petitioner that the issue has been resolved between the parties.

Mr. Nachiketa Jha, learned counsel for the complainant/O.P. No. 2 does not controvert the contention of the counsel for the petitioner and is not opposing the prayer for bail of the petitioner.

Considering the aforesaid 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, East, Muzaffarpur in connection with Complaint Case No. 2352 of 2013, Trial No. 1938 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the order of this Court along with the report of the Mediator and the terms of the agreement be transmitted to the learned Court below.

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(Dinesh Kumar Singh, J)