

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32913 of 2016

Arising Out of PS.Case No. -89 Year- 2016 Thana -PATNA COMPLAINT CASE District- PATNA

Shekhar Sinha @ Shekhar Kumar Sinha Son of Ram Krishna Prasad
Resident of Mohalla- Barki Baua, Road, Block-7, East Basuria, Bhuli
Dhanbad Beside Mount Keliver Public School, Police Station- Tatulmari,
District- Dhanbad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Neha Sinha wife of Shekhar Sinha, Daughter of Sachidanand Prasad, Resident of Village- Barki Baua, Road, Block-7, East Basuria, Bhuli Dhanbad Beside Mount Keliver Public School, Police Station- Tatulmari, District- Dhanbad. at present residing at Mohalla Diwan Mohalla, Tarni Prasad Lane, Police Station- Khajekalan, Distrrict- Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nikhilesh Kumar

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 21-12-2016 Heard learned counsels for the petitioner,
complainant and the State.

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 498A/34 of the Indian Penal Code and Section 3 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 and ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“That the petitioner is
husband of the complainant and he used to keep
his wife with full dignity.”

It is further submitted that petitioner has filed Matrimonial Suit No. 137 of 2016 for the restitution of the conjugal life.

Today, a joint compromise petition has been filed to the effect that both sides decided to part ways on payment of one time settlement amount of Rs. 9,00,000/- (nine lacs) out of which, counsel for the petitioner is handing over a draft of Rs. 5,00,000/- drawn on State Bank of India, P.B.B, Dhanbad, branch dated 15.12.2016 in favour of the complainant to the counsel appearing on behalf of the complainant for its being handed over to the complainant.

It is expected from the counsel for the complainant to make an endorsement to that effect on the record.

The rest amount of Rs. 4,00,000/- (four lacs) of the settlement amount will be submitted before learned Court within a period of four months from today. The said amount will be released in favour of the complainant on



conclusion of the matrimonial suit.

Both sides agree to file matrimonial suit under Section 13(B) of the Hindu Marriage Act within a period of fifteen days with a prayer for divorce with consent.

Both sides also agree to file a compromise/withdraw petition with regard to the present case being Complaint Case No. 89(C) of 2016, pending in the Court of learned Sub-Divisional Judicial Magistrate, Patna City.

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, Patna City in connection with Complaint Case No. 89(C) of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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