

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28632 of 2016

Arising Out of PS.Case No. -2923 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

=====

Prabhat Kumar son of Kamla Prasad Singh Resident of Village-
Chithawna, Police station Keteya, District-Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi wife of Prabhat Kumar D/o Bharat Singh R/o village-
Trilokpur,P.O. Jamsar Bazar, P.S. Uchkagaon,District- Gopalganj

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Sri Manish Kumar 2

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

04/ 15-12-2016

Heard learned counsels for the petitioner, State
and the opposite party no.2-complainant.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case wherein
process has been directed to be issued after cognizance being
taken for the offences punishable under Sections 498A, 406 of the
Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the



complainant on 05.05.2011. The issue has been resolved between the parties during mediation on the terms of making payment of one time settlement amount of Rs.5,00,000/- out of which Rs.2,82,000/- has been paid to the complainant and rest Rs.2,18,000/- will not be paid, but due to illness the petitioner could not appear as such earlier anticipatory bail petition being A.B.P. No. 633 of 2014 has been rejected by the learned Sessions Judge, Gopalganj. Thereafter, again the petitioner moved before the learned Sessions Judge with prayer for anticipatory bail but the same was rejected on the ground that earlier prayer for anticipatory bail petition of the petitioner was rejected.

The impugned order reflects that compromise enter into between the parties.

It is submitted by learned counsel for the petitioner that now the entire amount has been paid and this fact has not been disputed by learned counsel for the complainant, Mr. Naresh Prasad AOR No. 00669 that entire amount of Rs.5,00,000/- has already been paid and compromise petition has been filed before the learned court below but he submits that the agreed amount has been paid with delay hence some cost may be awarded.

Counsel for the petitioner submits that the



petitioner undertakes to make payment of Rs.5,000/- to the complainant at the time of furnishing bail bond.

In the circumstances, let the above named petitioner be released on anticipatory bail, in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Gopalganj in connection with Complaint Case No. 2923 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned court below on making payment of Rs.5,000/- to the complainant which will be released in favour of the complainant by the learned court below.

It is expected from the learned court below to conclude the proceeding in view of the present stand of the parties as it is submitted by learned counsel for the complainant that the complainant is no longer interested now in pursuing the case.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

