

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13597 of 2016

Arising Out of PS.Case No. -175 Year- 2015 Thana -MAHILA P.S. District- BHOJPUR

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1. Anand Kumar Singh Son of late Raj Kumar Prasad Singh resident of Mohalla- Sachivalya Colony Sector B-36, PS Kankarbagh District Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nishi Prabha

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 22-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341,323 and 498A/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep her with full dignity and honour. Statement to the aforesaid effect has been made in paragraph 13 of the petition.

On the joint prayer of the parties, the matter was

referred to the Mediation and Conciliation Centre of the State Legal Services Authority vide order dated 4.8.2016.

The report of the Mediator at Flag M dated 9.9.2016 reflects that the issue could not be resolved through the process of mediation.

Today, a joint compromise petition has been filed to the effect that both the sides decided to part their ways on the payment of rupees eight lacs and to file Matrimonial Suit before the learned Principal Judge, Family Court, Bhojpur at Ara within a period of four weeks under section 13(B) of the Hindu Marriage Act for dissolution of marriage with consent. It is further agreed that the counsel for the petitioner produced a banker's cheque no. 721332 dated 22.9.2016 of Rs.2,50,000/- which is being handed over to the learned counsel for the informant to be handed over to the informant. The rest amount of rupees five lacs fifty thousand will be paid in two installments, i.e., Rs.2,50,000/- will be paid on the date of filing of Matrimonial suit under section 13(B) of the Hindu Marriage Act and rest Rs.3,00,000/- on the date of judgment in the matrimonial suit.

Though the joint petition does not stipulate the mode of payment but it is jointly submitted that the next two installments will be submitted before Principal Judge, Family Court, Ara

through bank draft which will be released by the learned concerned court in favour of the informant. Both sides will file appropriate application with regard to the compromise of the issue/withdrawal of cases before the appropriate forum.

Learned counsel for the informant does not controvert the contention of the learned counsel for the petitioner. Learned counsel admits that he has received the bankers cheque of rupees two lacs fifty thousand. It is expected from learned counsel for the informant to make endorsement to the aforesaid effect on record.

Considering the aforesaid facts and submissions, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bhojpur at Ara in connection with Mahila P.S. Case No.175 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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