

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15921 of 2016

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Guria Kaur @ Simran Wife of Sri Amandeep Singh Bagga, Daughter of Sri Mahendra Singh Resident of Qr. No. 42, Punjabi Colony, Chitkohra Bazar, P.S. - Gardanibagh, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Amandeep Singh Bagga Son of Sri Kulwant Singh Bagga Residing at Mohalla - Raghunath Tola, Anishabad, P.S. - Gardanibagh, Dist. - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abinash Kumar

For the Opposite Party/s : Mr. Jitendra Kr.Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 25-10-2016

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

The present application has been filed for modification of order dated 10.03.2016, passed in Cr. Misc. No. 11901 of 2016, whereby the opposite party no. 2 being the husband of the complainant-petitioner was granted provisional anticipatory bail for a period of six months in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A 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.



On submission of the opposite party no. 2 that he is ready to keep the complainant as wife with full dignity and honour in paragraph 12 of the main petition which reads as follows:- “That the real fact is that the petitioner want to lead his conjugal relationship with the complainant and give her full honour and grace as his wife” and filing of Matrimonial Suit No. 116 of 2015 for restitution of conjugal life, the opposite party no. 2 was granted provisional bail for six months. The provisional bail was to be confirmed by the learned court below in three eventualities (i) on substantial restoration of the matrimonial harmony within a period of six months (ii) if the complainant fails to appear before the learned court below (iii) if the complainant is reluctant to reconcile the issue.

The petitioner Guria Kaur @ Simran and the opposite party no.2 Amandeep Singh Bagga are present in the Court.

A joint application has been filed to the effect that the issue has been resolved between the parties and both sides decided to part ways on payment of one time settlement amount of Rs.8,50,000/- (Eight Lakhs fifty thousand) by opposite party no. 2 to the petitioner Guria Kaur. Opposite party no. 2 undertakes to withdraw Matrimonial Suit No. 116 of 2015

filed for restitution of conjugal rights. The petitioner also undertakes to file withdrawal/compromise petition in Complaint Case No. 1799(C) of 2015 and in Domestic Violence Case No. 55 of 2015. Both sides have agreed that opposite party no. 2 will make payment of one time settlement amount through bank draft in favour of Guria Kaur as per bank account exists in such name. Both further decided to file Matrimonial Suit under Section 13B of the Hindu Marriage Act.

It is further submitted by the learned counsels that out of Rs.8,50,000/-, Rs.2,00,000/- will be paid within a period of four weeks, next Rs.2,00,000/- within two months of the filing of the matrimonial suit, which agreed to be filed within three weeks, and further Rs.2,00,000/- after four months of the filing of the matrimonial suit and the rest Rsd.2,50,000/- before passing of the decree. All the amount will be paid through bank draft in favour of Guria Kaur by submitting the same before learned Principal Judge, Family Court, Patna.

It is expected from the learned courts below to release the said bank drafts in favour of the petitioner Guria Kaur @ Simran.

Considering the present stand of the parties, the order dated 10.03.2016 passed in Cr. Misc. No. 11901 of 2016,



whereby opposite party no. 2 was granted provisional anticipatory bail, is modified to the extent that provisional bail granted to opposite party no. 2 in connection with Complaint Case No. 1799(C) of 2015, pending in the court of learned SDJM, Patna, is, hereby, confirmed. The opposite party no. 2 will remain on the same bail bond, as submitted, has already been furnished, in pursuance to order dated 10.03.2016.

Both sides will be at liberty to file appropriate application in case of breach of agreed conditions by either party.

Accordingly, this modification application is allowed.

(Dinesh Kumar Singh, J.)

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