

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20031 of 2016

Arising Out of PS.Case No. -5934 Year- 2015 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. NAVNIT KUMAR @ RINKU Son of Jagarnath Gupta Resident of
Mohalla- Anathalaya Road, Katihar PO , PS and District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Punam Kumari Wife o Navnti Kumar Resident of Mohalla- Anathalaya
Road, Katihar PO , PS and District Katihar.at Present daughter of Gopal
Prasad MOhalla-Kewat Nagar, Village- Bhadauni, PS & District Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Bohra, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

6 19-11-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323, 504 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the complainant. The petitioner has filed Matrimonial Suit No. 60

of 2015 with a prayer for divorce on 10.02.2015 and thereafter the present complaint case has been filed on 23.03.2015.

On the joint prayer of the parties the matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority vide order dated 05.09.2016. The report of the Mediator dated 19.10.2016 reflects that the issue has been resolved between the parties and both sides decided to part ways on making payment of one time settlement amount of Rs. 3,50,000/- by the petitioner to opposite party no. 2 in three equal installments through cheque in favour of Punam Devi as the opposite party has described herself in complaint petition as Punam Kumari but her Bank account is in the name of Punam Devi i.e. on 30.11.2016, 30.12.2016 and 30.01.2017.

Further contention of the learned counsel for the petitioner gets reflected from the report of the Mediator dated 19.10.2016 at Flag-B to the effect that the parties have also agreed to withdraw the complaint case on payment of one time settlement amount and to get the marriage dissolved with mutual consent.

Learned counsel for the complainant does not controvert the terms of agreement arrived at between the parties and in that view of the matter the opposite party no. 2 is not opposing the prayer for bail.

Considering the present stand of the parties, 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 Sri Sujeet Kumar, J.M., Ist Class, Nawada in connection with Complaint Case No. 5934 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

Let, a copy of this order along with Mediator's report with the terms of agreement be transmitted before the learned court below.

Though, it is not the part of agreement, but it is jointly submitted that both sides have also agreed to file Matrimonial Suit under Section 13(B) of the Hindu Marriage Act within a period of four weeks.

(Dinesh Kumar Singh, J)

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