

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28970 of 2015

Arising Out of PS.Case No. -1042 Year- 2014 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Dr. Prashant Chandan @ Prashant Chandan Son of Sri Vimal Kumar,
resident of Mohalla- Sri Nagar Road, behind Mahananda Colony, P.S.- K.
Hat, District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Soni Gupta Daughter of Sri Sambhu Prasad Gupta, resident of Village-
Ranchi Road, Harnaut, P.S.- Harnaut, District- Bihar Sharif at Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.
For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

15 13-12-2016 Heard learned counsels for the petitioner, complainant
and the State.

Petitioner and complainant/opposite party no.2 are
present in the Court.

The petitioner being the husband of the complainant is
apprehending arrest in a complaint case wherein process has been
directed to be issued after cognizance has been 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 and making assault.



It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant having no issue. The petitioner filed Matrimonial Case No. 220 of 2014 with a prayer for divorce on 19.07.2014 in which notices were issued on 02.08.2014 and thereafter on 19.07.2014 the present complaint was filed.

On joint prayer of the parties, the matter was referred to the Mediation and Reconciliation Centre of Bihar State Legal Services Authority vide order dated 10.11.2015. The report of the mediator dated 04.02.2016 at flag-‘A’ reflects that issue could not be reconciled through the process of mediation. However, separate affidavits have been filed on behalf of the petitioner and the complainant stipulating therein that they decided to part ways on payment of one time settlement amount of Rs. 9.75 lacs. The drafts of the same (draft nos. 129197, 129196 and 899321) are being handed over by learned counsel for the petitioner to the learned counsel for the complainant for being handed over to the complainant. The affidavit also stipulates that the petitioner is also ready to return 15 articles to the complainant as stated in para 4 of the supplementary affidavit which reads as follows:-

“4. That the opposite party no.2 accordingly shows her willingness for amicably settling the aforesaid dispute as she wants to lead a peaceful life having sufficient financial means for the sum for which the petitioner is ready to pay a sum of Rs. 9,75,000/-(Nine Lac Seventy Five Thousand



Only) by way of demand draft bearing Nos. (A) 129197-Rs.8,00,000/- (B) 129196-Rs. 1,00,000/-, (C) 899321- Rs. 75,000/- and along with the following items: - (the details of the same are as 1.PALUNG, 2. GADDA, 3. ALMIRA, 4. DRESSING TABLE, 5.MIXI, 6. SHOFA, 7. BLANKET, 8. TRANK, 9 LCD TV., 10. RING (GOLD), 11 BARTAN, 12. CHAIN (GOLD), 13. PAYAL, 14 NATHIYA, 15. VIP.”

Learned counsel for the complainant accepts all the three drafts and also undertakes to make endorsement to that effect in the record. A separate affidavit has been filed on behalf of the complainant stipulating that though there is no dispute with regard to quantum of one time settlement amount but there is some dispute with regard to not returning certain belongings including part jewellery of the complainant, statement to that effect has been made in para 2 of the counter affidavit filed on behalf of the complainant which reads as follows:-

“2. That, in reply to the statement made in paragraph nos. 4 of the supplementary affidavit dated 03.08.2016 of aforesaid bail petition, it is humbly submitted that though the petitioner accepted to pay the Opp. Party no.2 amount of rupees nine lacs seventy five thousand in the Hon’ble Court during proceeding of this case but so far details of goods given in the said paragraph which was being gifted to the petitioner at the time of marriage, are not fully and fairly mentioned. list of gifted goods spite of mentioned in the said paragraph were as follows:- (i) Nathia, (ii), Payal-2 pair, (iii) Bauti Bali- 2 pieces, (iv) Jhumka-1 piece (v) Plane Bali- 1 piece, (vi) Tops- 1 pair (vii) Golden Chain- 4 pieces (viii)Golden rings- 7 pieces, (ix) Gold locket (x) V.I.P., (xi) Sari set- 70 pieces, (xii) Silver pot- 6 pieces, (xiii) Bartan-Steel+Kasa+Pital.”



Considering the fact that broadly the issue has been reconciled, let the above named petitioner be released on provisional anticipatory bail for one month 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Nalanda at Bihar Sharif in connection with Complaint Case No. 1042C of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on return of the 15 articles, as stated in 4 of the supplementary affidavit, to the complainant and encashment of the aforesaid drafts.

It is made clear that this Court has not passed any order with regard to dispute of non-return of certain articles, hence, the complainant will be at liberty to raise all such contentions in appropriate proceedings.

(Dinesh Kumar Singh, J)

Amrendra/-

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