

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27389 of 2016

Arising Out of Complaint Case No.-544 Year- 2013 Thana -COMPLAINT CASE District-
LAKHISARAI

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1. Shailendra Singh @ Sailendar Singh son of Ajoy Singh resident of Sarga Bhawan-II, Babu Chatarjee Road, Kolkata near by Thanthania Kali Mandir, under P.S. Amres Street District Kolkata 700009.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Indradeo Prasad son of Bivishan Ram resident of Village Gosai Tola Lakhisarai, Ward No.21 P.S. & District- Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 15-11-2016 Heard learned counsel for the petitioner and the State.

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

Basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner is ready to keep his wife with full honour and dignity, a statement to that effect has been made in paragraph 11

of the petition, which reads as –

"That the petitioner is service holder and wants to keep the daughter of the complainant with all respect."

A joint compromise petition has been filed by both the sides, wherein it has been stated that they have decided to part ways on payment of one time settlement amount of Rs.12,00,000/- (Rs. Twelve Lakh). It is also stated that both sides have agreed to exchange the jewellery given by either side and to file a matrimonial suit under Section 13B of the Hindu Marriage Act for dissolution of marriage.

Though the joint compromise petition does not stipulate the period of payment of one time settlement amount or filing of the matrimonial suit, but it is agreed between the parties that the matrimonial suit under Section 13B of the Hindu Marriage Act will be filed within a period of four weeks from today and the entire amount as agreed upon, will be paid by the petitioner to the daughter of the complainant through bank draft in six equal monthly installments within a period of six months from today.

It is submitted by learned counsel for the complainant that she also agrees to file appropriate compromise application before the Court below in the present complaint case and is not opposing the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and present stand of the parties, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Complaint Case No. 544(c) of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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