

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45892 of 2015

Arising Out of PS.Case No. -526 Year- 2014 Thana -SHEKHPURA COMPLAINT CASE District-
SEKHPURA

=====

1. Dina Nath Barnwal S/o Sri Durga Prasad Barnwal Resident of Kedar Hardware, Government Colony Gomia, P.S. Gomia, District Bokaro, State Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Madhu Barnwal W/o Sri Dina Nath Barnwal, D/o Sri Shankar Prasad Barnwal Resident of Commissionery Bazar, P.S. Sheikhpura, District Sheikhpura.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan
For the Opposite Party/s : Mr. Asha Devi (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 11-01-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case in which processes were directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A of the Indian Penal Code and Section 3 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that the issue has been resolved between the parties. Both the petitioner and the complainant have decided to part ways on payment of permanent alimony of Rs. 14,00,000/- (fourteen lacs) on dissolution of marriage by filing an affidavit

in the matrimonial suit filed under Section 13B of the Hindu Marriage Act.

Both sides agreed that 25% of permanent alimony of Rs. 14,00,000/- will be paid to the complainant through bank draft which will be submitted within a period of two weeks before the learned Sub-Divisional Judicial Magistrate, Sheikhpura, who will release the said bank draft in favour of the complainant on or before furnishing the bail bonds of the petitioner. The rest 25% of permanent alimony of Rs. 14,00,000/- will be paid through bank draft submitted by the petitioner within a period of three months after filing of matrimonial suit before Principal Judge, Family Court, Sheikhpura which will be released by the concerned Court and the rest 50% of permanent alimony of Rs. 14,00,000/- will be deposited within a period of three months thereafter by the petitioner before learned Principal Judge, Family Court, Sheikhpura which will be released in favour of the complainant on conclusion of the matrimonial suit by the learned Court below. A joint affidavit to that effect has been filed. Let it be kept on record.

In the circumstance, the counsel for the complainant is not opposing the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender

before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sheikhpura in connection with Complaint Case No. 526(C) of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is expected from learned Sub-Divisional Judicial Magistrate, Sheikhpura to conclude the proceeding of Complaint Case No. 526(C) of 2014 expeditiously, in view of the present stand of the parties. If any matrimonial suit is being filed under Section 13B of the Hindu Marriage Act, then learned Principal Judge, Family Court, Sheikhpura will conclude the proceeding expeditiously.

Either party will be at liberty to move before this Court in case of violation of the terms of the agreement.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--