

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55700 of 2015

Arising Out of PS.Case No. -817 Year- 2015 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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1. Saurabh Nidhi, son of Umeshwar Nidhi, resident of Village- Samaila, P.S.- Keoti, District- Darbhanga at present residing at A-204, Vinay Hights, Kamakin Beverly Park, Mira Road, East Thane, Maharashtra.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Rashmi Nidhi, wife of Saurabh Nidhi, Daughter of Nand Kishore Choudhary, resident of Village- Kherajpur, P.S. Bahadurpur, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Karn

For the Opposite Party/s : Mr. Amrendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

9 17-10-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant but now the petitioner and the complainant decided to part ways. A joint application has been filed today to the effect that both sides decided to part ways on payment of



one time settlement amount of Rs. 35,00,000/- (thirty five lacs). Though the joint petition stipulates that the period of payment will be acceptable to the parties as decided by the Court but it is orally submitted that the said payment will be made within a period of six months. Both sides agreed to file a matrimonial suit under Section 13(B) of the Hindu Marriage Act before learned Principal Judge, Family Court, Darbhanga within a period of one month. The complainant will file appropriate application with regard to the present stand/compromise petition in Complaint Case No. 817 of 2015, pending in the Court of learned Judicial Magistrate, 1st Class, Darbhanga within a period of one month. The complainant will relinquish/transfer her claim from flat no. A-204, Vinay Heights, Kanakia, Navghar, Mira Road(East), Thane, Maharashtra in favour of the petitioner which was purchased by the petitioner in joint name of the complainant and himself.

Considering the 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 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 Chief Judicial Magistrate, Darbhanga in connection with Complaint Case No. 817 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Both sides agree that out of Rs. 35,00,000/-,



Rs. 5,00,000/- will be paid through bank draft by submitting the same before learned Chief Judicial Magistrate, Darbhanga at the time of furnishing the bail bonds, Rs. 10,00,00/- will be paid by submitting bank draft before learned Principal Judge, Family Court within one month of filing of matrimonial suit under Section 13(B) of the Hindu Marriage Act and the rest of Rs. 20,00,00/- will be paid by submitting bank draft before learned Principal Judge, Family Court, Darbhanga by 14th of March, 2017 which will be released by the Principal Judge, Family Court, Darbhanga in favour of the complainant. Both sides further agree that complainant will accompany the petitioner to Mumbai for executing relevant documents for transfer/relinquishment of her claim with regard to flat no. A-204, Vinay Heights, Kanakia, Navghar, Mira Road(East), Thane, Maharashtra. The petitioner agrees to withdraw Matrimonial Suit No. 2015/000051 pending in the District Court of Thane. The complainant also agrees to file appropriate application for withdrawal of Maintenance Case No. 103 of 2015, pending in the Court of learned Principal Judge, Family Court, Darbhanga as well as in Complaint Case No. 817 of 2015, pending in the Court of learned Judicial Magistrate, 1st Class, Darbhanga.

It is expected from learned Judicial Magistrate, 1st Class, Darbhanga where the complaint case is pending and learned Principal Judge, Family Court, Darbhanga to dispose of the respective proceedings in accordance with law expeditiously in the light on the present stand of the parties.

Either side will be at liberty to file appropriate application before this Court in case of violation of undertaking as stipulated in the present order.

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(Dinesh Kumar Singh, J)