

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25047 of 2016

Arising Out of PS.Case No. -275 Year- 2016 Thana -ARA NAWADA District- BHOJPUR

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Aasit Kumar, Son of Late Prabhu Nath Lal, Resident of Mohalla – Adarsh Nagar Colony, Facing S.S. Memorial College, Kankey Road, P.,S. – Kankey, District – Ranchi, Jharkhand, present residing at Flat No. 1303, Building No. 18, Sri Susurat Pligement Park Road, P.S. – Thane East, Mumbai (Maharashtra).

.... Petitioner/s

Versus

1. The State of Bihar
2. Rishika Srivastava, Wife of Aasit Kumar, Daughter of Ajay Prasad Srivastava, Maharaja Hata, In the Lane Just beside the NCC Office, P.S. – Ara Nawada, District – Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. J.N. Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

06/ 13-02-2017

Heard learned counsels for the petitioner, State and the informant-opposite party no. 2.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

The petitioner and the informant are present in the Court.

On submission of learned counsel for the



petitioner that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour, notices were issued to the informant-opposite party no. 2 vide order dated 02.08.2016. Statement to that effect has been made in paragraph no. 9 of the petition, which reads as follows:-

“That the petitioner is still very much willing and ready to keep his wife with all dignity due care, love and affection.”

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 10.11.2016. The report of the Mediator at Flag ‘A’ dated 22.12.2016 reflects that the issue could not be resolved through the process of mediation. However, today a joint affidavit has been filed on behalf of the petitioner and opposite party no. 2 to the effect that outside the court they resolved to part ways on payment of Rs.10,50,000/- as one time settlement amount. Out of the same Rs.3,00,000/- will be paid through bank draft on the date of presentation of the plaint of the matrimonial suit under Section 13B of the Hindu Marriage Act within a month. Further Rs.3,00,000/- will be paid through bank draft at the time of



withdrawal/closure of the case i.e. Ara Nawada P.S. Case No. 275 of 2016 and rest Rs.4,50,000/- will be paid through bank draft on the date of pronouncement of the judgment in matrimonial suit. The whole exercise will be completed within eight months. The aforesaid terms of agreement has been made in paragraph 3 of the joint affidavit. Hence, counsel for opposite party no. 2 is not opposing the prayer for anticipatory bail of the petitioner.

Learned counsel for the informant-opposite party no. 2 does not controvert the contents of the joint affidavit.

In view of 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Nawada P.S. Case No. 275 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is expected from the petitioner to file copy of the joint compromise petition before the learned CJM, Bhojpur



at Ara in the present case as well as in the appropriate matrimonial suit under Section 13B of the Hindu Marriage Act which the party agreed to file within a period of one month. As per the agreement in the compromise petition both sides also agree to file copy of the compromise petition before Superintendent of Police, Bhojpur at Ara.

It is expected from the learned CJM, Bhojpur at Ara as well as learned Principal Judge, Family Court, Bhojpur at Ara to conclude the respective proceedings expeditiously in view of the present stand of the parties.

(Dinesh Kumar Singh, J.)

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