

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4525 of 2016

Arising Out of PS.Case No. -741 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Suman Singh S/o Narendra Pratap Singh @ Nanhak Singh, Resident of
Village + Post + P.S. - Nawanagar, District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Soni Devi, W/o Suman Singh, and D/o Tej Narayan Singh, at present
resident of villae + P.O. - Surware Ki Barari, P.S. - Dinara, District -
Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. R.S.Choudhary (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

10 20-02-2017 Heard learned senior counsel for the petitioner, learned
counsel for the complainant and the State.

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 being taken for the offences
punishable under Section 498A of the Indian Penal Code and
Section 4 of the Dowry Prohibition Act.

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

It is submitted by learned senior counsel for the
petitioner that the petitioner admits his marriage with the
complainant in 2013 having no issue. The complainant earlier



filed Complaint Case No.434/2014 which ended into compromise and immediately thereafter the present complaint has been filed.

Today, a joint compromise petition has been filed stipulating therein that both sides have decided to part ways on payment of one time settlement amount of rupees two lakhs through check/draft within a period of 15 days, which will be submitted before the learned court below and the petitioner will return the gift item given at the time of marriage to the opposite party no.2, though the petition does not stipulated the period of such return. However, it is submitted by learned counsel for the petitioner that the petitioner will return all the gift items within a period of two weeks. It is also agreed that they will file a petition under section 13B of the Hindu Marriage Act within a period of one month before the Principal Judge, Family Court, Rohtas. Though, the matrimonial suit is pending before the Principal Judge, Family Court at Buxar, but the parties agree to withdraw the same. It is also agreed that opposite party no.2 will not claim anything from the petitioner in future. The terms of the compromise has been mentioned in paragraph nos. 1 to 5 of the joint affidavit which read as under :-

'1. That with the intervention of well wishers of both parties, the case has been compromised by way of one time settlement out of Court.

2. That as per final settlement, petitioner will pay Rs.two lacks (Rs.2,00,000/-) through cheque/draft.



3. The petitioner will also return gift items given at the time of marriage by opposite party.

4. That after grant of anticipatory bail and furnishing bail bond, both parties will file a joint Divorce petition u/s 13B of Hindu Marriage Act, with mutual consent within one month in learned Principal Judge, Family Court, Rohtas.

5. That O.P. No.2 will not claim anything in future from petitioner nor will have any concern with each other and O.P. No.2 will withdraw this case u/s 498A IPC pending before learned Court of S.D.J.M., Bikramganj, Rohtas."

Learned counsel for the complainant does not dispute the terms of the compromise petition.

In view of the present stand of the parties, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Bikramganj, Rohtas, in connection with Complaint Case No.741/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

It is expected from the learned Principal Judge, Family Court, Rohtas, in case of filing of matrimonial suit, the same shall be disposed of as expeditious as possible. The Court of learned SDJM, Rohtas will also conclude the complaint case in view of the present stand of the parties, in accordance with law as expeditiously as possible.



Either party will be at liberty to file appropriate application before this Court in case of violation of the terms of compromise.

(Dinesh Kumar Singh, J)

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