

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13743 of 2016

Arising Out of PS.Case No. -1609 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Sujit Paswan, Son of Ritalal Paswan, R/o Village- Jajuar, P.S.- Katra,
District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bharti Kumari, Wife of Sujit Paswan, D/o Ramsagar Paswan, at present
R/o Village- Choumukh, P.S.- Bochahan, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Narendra Kr. Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

9 21-02-2017 Heard learned counsels for the petitioner,

complainant and the State.

The petitioner being husband of the complainant is
apprehending arrest in a complaint case in which process has
been 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.

This court, vide order dated 29.3.2016, issued
notice to the complainant on the submission of learned
counsel for the petitioner that the petitioner is ready to keep



the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 13 of the petition which reads as follows:

“That, the petitioner is still ready to take back his wife with children with full love, care, Honour & dignity.”

It is submitted by the learned counsel for the petitioner that the complainant is residing with the petitioner. Learned counsel for the complainant does not controvert the contention of learned counsel for the petitioner. The terms of agreement have been stipulated in paragraph no.2 of the joint compromise petition which reads as follows:

“2. That both parties have agreed to resolve their disputes on the following terms:

- (a) That the petitioner and the opposite party no. 2 will live together in the same house with full love and affection.
- (b) That the petitioner, in future, will neither torture the opp. Party no.2 physically or mentally nor in any manner cause harassment to this wife (opp. Party no.2).
- (c) That the petitioner has agreed to maintain his wife (opp. Party no.2) as well as his



daughter and son already born with the bed
lock of the opp. Party no.2.

- (d) That the opp. Party no. 2 has agreed to
move before the trial court in Complaint
Case No.109/2014, Trial No.99/2015
instituted U/s 498A I.P.C. for disposal of
the said case in term sof the compromise
entered by her ion this Hon'ble Court in the
present case.”

Hence, learned counsel for the complainant is
not opposing the prayer of the petitioner for anticipatory
bail.

Considering the aforesaid facts, 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 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 ACJM, Muzaffarpur
in connection with Complaint Case No. 1609 of 2014
subject to the conditions as laid down under Section 438(2)
Cr.P.C.

Either party will be at liberty to file



appropriate application before the learned court below in case of breach of the terms of agreement arrived at between the parties.

(Dinesh Kumar Singh, J)

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