

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1055 of 2017

Arising Out of PS.Case No. -168 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

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Sunny Kashyap, Son of Arun Kumar Jha, Resident of Village - Anandipur,
P.S. - Kahalgaon, District - Bhagalpur, Bihar.

.... Petitioner

Versus

1. The State of Bihar.
2. Priti Kumari, Daughter of Shri Shivendra Kumar Thakur, Wife of Sunny Kashyap, presently Residing at Sant Nagar, P.S. - Ekchhari, District - Bhagalpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sudha Chandra

For the Opposite Party/s : Mr. Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

13 07-11-2017

Heard learned counsel for the petitioner, learned counsel appearing on behalf of O.P. No.2 and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kahalgaon P.S. Case no. 168 of 2016, registered under Sections 498(A) and 379/34 of the Indian Penal Code and Section 3 / 4 of the Dowry Prohibition Act.

An application sworn with affidavit along with a list of ornaments and cash, which are to be given by the petitioner to the O.P. No.2 is filed today in terms of one time settlement Annexure-7 to the petition.

Learned counsel for the petitioner submits that petitioner and O.P. No.2, who are husband and wife, mutually agreed to dissolve their marriage in terms that the petitioner will pay Rs. 10 Lakhs,



ornaments and other articles as detailed in column A. (iii & iv) to the Annexure-7 of the application to O.P. No.2 and both parties will withdraw all the cases pending between them. Accordingly, the petitioner handed over Cheque of Rs. 5 Lakhs to the O.P. No.2 today and the remaining Rs. 5 Lakhs will be paid by the petitioner to O.P. No.2 within four months through account payee Cheques. The ornaments and other articles as detailed in column A. (iii & iv) Annexure-7 to the petition will be returned to O.P. No.2 within two months.

Learned counsel for O.P. No.2 submits that while O.P. No.2 was rigid on his submission about returning the ornaments and other articles as detailed in column A. (iii & iv) of Annexure-7 to the application within two weeks, but on persuasion, she becomes ready to receive the same within two months. Further submission is that the parties have decided to file joint petition under Section 13(B) of the Hindu Marriage Act in Matrimonial Case No. 447 of 2016 pending in the Court of Principal Judge, Family Court, Munger after receiving Rs. 10 Lakhs, ornaments and other articles as detailed in column A. (iii & iv) of Annexure to the application.

Having regard to the facts and circumstances of the case and also the submission of the learned counsel for the petitioner and O.P. No.2 about dissolving of their marriage in terms of the agreement as detailed in the application (Annexure-7) filed by the petitioner supported with affidavit, let the above named petitioner, be released on



bail, in the event of his arrest or surrender before the learned Court below within a period of four 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 the Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case No. 168 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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