

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13999 of 2017

Arising Out of PS.Case No. -25 Year- 2016 Thana -GARDANIBAGH District- PATNA

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1. Santosh Kumar @ Santosh Kumar Singh, son of Dhurandhar Singh, resident of village-Sundar Garden, 5/B Sanjay Path Dimana Road, Mango, Police Station-Jamshedpur in the District of Jamshedpur (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar
2. Amrita Kumari, daughter of Satyendra Kumar Singh, resident of Aam Bagicha, Mahadeopuri, Shanti Path, Gardanibagh, Police Station-Gardanibagh, in the district of Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

Ms. Alka Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 18-05-2017

Heard learned counsel for the Petitioner and the

State as well as counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Gardanibagh P.S. Case No.25 of 2016 instituted for the offence under Section(s) 498-A/34 Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Both husband and wife are present in Chambers.

It has been submitted by both husband and wife that they have reached mutual settlement outside the Court and have filed petition for divorce with mutual consent under Section 13-B of the Hindu Marriage Act, which is likely to be taken up in the next month.

Wife has stated that the husband has agreed for one



time settlement with her in the aforesaid petition.

It has also been submitted that both have filed joint compromise petition for dropping all the criminal proceedings.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Judicial Magistrate, 1st class, Patna, within a period of four weeks preferably on 31.05.2017 in connection with Gardanibagh P.S. Case No.25 of 2016, along with wife and file joint petition in the Court below that they have come to mutual settlement and in that event the Court below will release the petitioner on provisional bail to its own satisfaction for a period of nine months in terms of provision of Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner during which period both the parties will take necessary steps for coming to final settlement in all the pending cases filed by the parties against each other.



The Court below will monitor the progress in the matter by calling both of them every month and in the event the Court below is satisfied that the matter has been finally settled between the parties, the Court below will confirm the provisional bail of the petitioner after nine months.

The application is, accordingly, disposed off.

(Sanjay Priya, J)

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