

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27458 of 2016

Arising Out of PS.Case No. -27305 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

Mayur Asthana Son of late Dr. Arun Asthana Resident of Eisha Bella Vista, near Science Service Centre, NIBM road, Kondhwa, Police Station-Kondhwa in the town and district of Pune-411048 Maharashtra.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Shilpa Raj Daughter of Sri Pradip Kumar Sinha resident of Mohalla- Punaichak, Post Office Road, P.S.- Shastri Nagar, District-Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Sri Yogendra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

07/ 21-03-2017 Heard learned senior counsel for the petitioner, complainant-opposite party no. 2 and Mr. J.N. Thakur for the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have 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.

The petitioner and the complainant are present in the Court.



Learned senior counsel for the petitioner submits that the petitioner admits his marriage with the complainant having no issue. Initially the petitioner was ready to keep the complainant with dignity and honour and similar was the stand before the learned court below but the complainant refused to accept the offer. The marriage between the parties on 21.04.2014 is admitted but the complainant deserted the petitioner on 09.05.2014.

Counsel for the complainant submits that just after the marriage the torture was inflicted.

It is jointly submitted that now the parties are not willing to reconcile the issue. Both have decided to part ways on payment of one time settlement amount of Rs.10,00,000/- (Ten lakhs) within a period of six months in five installments. Both sides decided to file Matrimonial suit under Section 13B of the Hindu Marriage Act before the learned Principal Judge, Family Court, Patna within a period of four weeks from today. The petitioner will deposit the one time settlement amount of Rs.10,00,000/- (Ten lakhs) in five installments of Rs.2,00,000/- (Two lakhs) each. The first installment will be deposited before the learned Principal Judge, Family Court, Patna on the date of filing of the Matrimonial



suit, the second installment will be deposited on the date of recording of the statement of the parties, the third installment will be deposited three months after filing of the Matrimonial suit, the fourth installment will be deposited on the date the hearing of the matter will conclude and the fifth installment will be deposited on the date of the judgment in the Matrimonial suit. All the payments will be made through bank draft. It is expected from the learned Principal Judge, Family Court, Patna to release the said amount immediately in favour of the complainant. The parties have also agreed to file appropriate application in the present complaint case before the learned Judicial Magistrate, Patna stipulating therein that the issue has been settled between the parties and the complainant is no longer interested in pursuing the case.

Though, the parties have not filed any joint affidavit to the aforementioned terms of agreement but on their joint submission the above terms of agreement have been recorded. It is expected from them to file a joint compromise petition stipulating aforementioned terms of agreement both before the Principal Judge, Family Court, Patna as well as learned Magistrate where the complaint case is pending.

In the circumstances, the counsel for the



complainant is not opposing the prayer for anticipatory bail of the petitioner.

Considering 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 Judicial Magistrate, Ist Class, Patna in connection with Complaint Case No. 27305(C) of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Either party will be at liberty to file appropriate application before this Court in case of breach of terms of agreement.

It is expected from the learned Principal Judge, Family Court, Patna, in the eventuality of filing of the Matrimonial suit, and the learned Magistrate to dispose of the Matrimonial suit and the complaint case in accordance with law expeditiously preferably within a period of seven months.

(Dinesh Kumar Singh, J.)

DKS/

U		T	
---	--	---	--

