

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33722 of 2016

Arising Out of PS.Case No. -105 Year- 2016 Thana -MADHUBANI TOWN District-
MADHUBANI

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Balmukund Mohan son of Ram Lagan Thakur resident of Stadium Road,
Hanuman Nagar Colony, P.S. - Madhubani, District - Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Sri Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 23-02-2017 Heard learned counsels for the petitioner, informant and
the State.

The petitioner being the husband of the informant is
apprehending arrest in a case registered for the offences
punishable under Sections 498A, 379/34 of the Indian Penal Code
and 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that
the petitioner admits his marriage with the informant. The
informant is still residing in the house of the petitioner. The
petitioner has filed matrimonial suit with a prayer for judicial
separation under Section 10 of the Hindu Marriage Act and



thereafter the present FIR has been lodged. It is further submitted that with similar accusation Complaint Case No.128/2016 has already been filed by the informant wherein process has been directed to be issued after cognizance being taken under section 498A of the Indian Penal Code.

A supplementary affidavit has been filed on behalf of the petitioner, annexing annexure- 5, the joint compromise petition, stipulating therein that both sides have decided to part ways on payment of one time settlement amount of Rs.14,50,000/- and in view of the agreement two drafts of said amount have already been prepared for being handed over to the informant. They also agreed to file matrimonial suit under section 13B of the Hindu Marriage Act and withdrew the criminal case.

Though, Vakalatnama bears the signature of Sanjay Parasmani, advocate-on-record for the informant, but Mr. Manoj Kumar, is appearing on behalf of the advocate-on-record and submits that he is not controverting the terms of compromise, hence, not opposing the prayer for 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 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 CJM, Madhubani, in connection with Madhubani Town P.S. Case No.105 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Either party would be at liberty to move before this Court by filing appropriate application in case of breach of agreement.

(Dinesh Kumar Singh, J)

Ashwini/-

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