

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43897 of 2016

Arising Out of PS.Case No. -540 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Sunil Sah @ Sunil Kumar Sah, son of Shanker Sah of Village –Chak
Bidaulia, P.S.-Bibhutipur, District- Samastipur.

.... Petitioner/s

Versus

1. State of Bihar
2. Pooja Kumari, daughter of Raju sah, resident of Mahnar, Ward No.7
P.O. and P.S. Mahnar, District –Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate
For the Complainant : Mr. Subhash Patel, Advocate
For the State : Mr. Md. Ansarul Haque, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 17-04-2017 Heard Mr. Shakti Suman Kumar learned counsel
appearing on behalf of the petitioner and Mr. Subhash Patel,
learned counsel for the complainant as well as Mr. Md. Ansarul
Haque, learned counsel for the State.

The petitioner being the husband of the complainant
is apprehending arrest in a complaint case wherein process has
been directed to be issued after cognizance being taken for the
offences punishable under Section 498A of the Indian Penal Code



and Section 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour, in alternative he is ready for mutual divorce also. A statement to that effect has been made in para 8 of the petition which reads as follows:-

"That the petitioner is ready both ways i.e. if the O.P. No.2 lives with the petitioner, he would keep and maintain her with dignity and respect or if she seeks divorce with mutual consent, the consent of the petitioner is already there."

It is further submitted that similar was the stand of the petitioner before the learned Court below, but the complainant refused to accept the offer of the petitioner and made endorsement to that effect on the record, which gets reflected from the impugned order. Subsequently, Matrimonial Suit No. 25/2013 was filed by the petitioner with a prayer for divorce. A petition under section 13B of the Hindu Marriage Act is also pending before the Principal Judge, Family Court, Samastipur.



Considering the above submission notices were issued to the complainant.

A joint compromise petition has been filed today in the Court to the effect that both the complainant and the petitioner have decided to part ways on payment of one time settlement amount of Rs.60000/-. In pursuance to the same, the petitioner is handing over two drafts of Rs.40000/- and Rs.20000/- respectively to the learned counsel for the complainant for its handing over to the complainant. Both sides also agree to appear in the matrimonial suit regularly.

It is submitted by learned counsel for the complainant that he does not controvert the contention of learned counsel for the petitioner and the stipulations made in the joint affidavit filed today. He also admits that two drafts of Rs.40000/- and Rs.20000/- have been handed over to him. He undertakes to make necessary endorsement on the file; hence, the complainant is 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 SDJM, Vaishali at Hajipur, in connection with Complaint Case No.540/2013/Tr. No.3498 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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