

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17217 of 2017

Arising Out of PS.Case No. -516 Year- 2015 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Tuntun Bhagat @ Ranjan Bhagat, S/o late Amarnath Bhagat, resident of
Village- Jagatpur, P.S.- Parbatta, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Payal Jaiswal, W/o Tuntun Bhagat @ Ranjan Bhagat, resident of
Village- Jagatpur, P.S.- Parbatta, District- Bhagalpur. At present residing of
Payal Jaiswal, D/o Raj Kumar Bhagat, resident of Village- Nawada, P.O.-
Makhatkia, P.S. Naugachia, District- Bhagalpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav
For the Opposite Party/s : Mr. Sri Narendra Kumar Singh
For the O.P. No.2 : Mr. Anupa Nand Jha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-11-2017 Heard learned counsel for the petitioner, learned counsel

for the State and learned counsel appearing on behalf of the O.P.

No.2.

The petitioner is apprehending his arrest in a case
instituted under Sections 498A, 406, 504, 506/34 of the Indian
Penal Code and ¾ of D.P. Act.

The allegation against the petitioner is of committing
torture upon the victim due to non-fulfillment of the demand of
dowry.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of



tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The case is triable by the Magistrate. Due to petty family dispute, the present case has been instituted against the petitioner. The petitioner has further relied upon the judgment of this court, in the case of ***Md. Naimul Haque Ansari Vs. The State of Bihar, reported in 2006(3) PLJR 182***. It is further submitted on behalf of the petitioner that the petitioner is ready to make one time settlement by making a payment of Rs. 1 lac within a period of 8 weeks to the complainant.

The offer made by the petitioner is accepted by the Counsel for the O.P. No.2.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs. 1 lac in the court below, which shall be released in favour of the complainant within a period of 8 weeks and on doing so, let the petitioner above named be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of nine weeks from today in connection with Complaint Case No.516 of 2015, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M.-I, Naugachia, Bhagalpur,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that as per submissions made on behalf of the parties, said amount is being paid as one time settlement between the parties. The parties will be at liberty to take necessary steps before the court below in the present case, taking into account the settlement arrived between the parties.

(Sudhir Singh, J)

Amit/-

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