

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6816 of 2016

Arising Out of PS.Case No. -688 Year- 2015 Thana -NAWADA District- NAWADA

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1. Sushma Devi, wife of Brahmdeo Lal
 2. Brahmdeo Lal, Son of Late Durgi Lal
 3. Ranjit Kumar @ Banth @ Bantu Kumar, Son of Brahmdeo Lal
All resident of Village- Khandakpar, Police Station- Bihar Sharif,
District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.23858 of 2016

Arising Out of PS.Case No. -688 Year- 2015 Thana -NAWADA District- NAWADA

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Rajesh Kumar, son of Brahmdeo Lal, Resident of Village- Khandakpar,
Police Station- Bihar Sharif, Nistrict-Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari, Daughter of Suresh Lal, Resident of Village-Parnawada,
Telitola, Police Station-Bundel Khand, District- Nawada.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. Nos.6816 and 23858 of 2016)

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.
Mr. Manoj Kumar, Adv.

For the Informant : Anshul and Archit Rajpal, Adv.

For the State : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

15 22-08-2017

Heard learned Counsels for the petitioners, informant
and the State.

In Criminal Miscellaneous No.6816 of 2016, the



petitioners, being the parents and brother of the husband of the informant and in Criminal Miscellaneous No.23858 of 2016, the petitioner, Rajesh Kumar, being the husband of the informant, are apprehending their arrest in connection with a case registered for the offences punishable under Sections 498A, 376/511 and 307 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case got initiated with the written report submitted by Soni Kumari, opposite party no.2, before the Officer In-charge, Bundelkhand Police Station, Nawada is to the effect that the marriage between the petitioner Rajesh Kumar and the informant Soni Kumari was performed on 24.06.2011. The in-laws of the informant including the petitioner Rajesh Kumar were not satisfied with the gifts given by the father of the informant. Hence, subsequent to the marriage, further demand of Rupees Two Lacs cash and motorcycle were made. Since the father of the informant was not in a financial position to fulfill the further dowry demand, hence, the informant was not allowed to visit her parents' house and in the meantime, the informant gave birth to a female child. The father-in-law of the informant namely Brahmdeo Lal tried to outrage the modesty of the informant one year prior to lodging of the present case. On protest being made



the informant was brutally assaulted. On 25.08.2015, the brother of the husband of the informant namely Ranjeet Kumar also tried to outrage the modesty of the informant and on protest being made she was being assaulted. The sister-in-law, Guriya Devi, used to instigate other family members to misbehave with the informant.

It is submitted by learned Counsel appearing on behalf of the petitioners that marriage between the petitioner Rajesh Kumar and informant Soni Kumari and birth of a female child, out of the wedlock, are admitted facts. The child resides with the informant. The informant herself deserted her husband. Moreover, the thrust of accusation is against the husband of the informant.

However, the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority, but the issue could not be resolved through the process of mediation, but now the issue has been resolved and a joint affidavit dated 25.04.2014 has been filed to the effect that the informant and her husband Rajesh Kumar decided to part ways on payment of one time settlement amount of Rupees Five Lacs. Though, at the time of filing of the joint affidavit, the amount was not paid, but now the said amount has already been paid to the informant. The informant - opposite party no.2 agrees to withdraw/compromise



Nawada Town P.S. Case No.688 of 2015, pending before the learned Chief Judicial Magistrate, Nawada and petitioner Rajesh Kumar has also agreed to withdraw the Matrimonial Suit No. 286 of 2015, preferred with a prayer for divorce, which is pending before the Principal Judge, Family Court, Biharsharif, Nalanda. Both, the informant and her husband, agree to file matrimonial suit under section 13B of the Hindu Marriage Act before the Principal Judge, Family Court, Biharsharif, Nawada. Moreover, the petitioners Rajesh Kumar and Ors. have filed Criminal Miscellaneous No.24843/2017 for quashing the entire prosecution of Nawada Town P.S. Case No.688 of 2015, which is pending before this Court, wherein the informant undertakes to appear and will not oppose the prayer of the petitioners, though this fact has not been incorporated in the joint compromise affidavit.

Learned Counsel for the informant submits that the issue has already been reconciled between the parties and he does not deny the factum of compromise and filing of joint compromise affidavit before this Court. The informant admits that she has already received the one time settlement amount of Rupees Five Lacs. However she is afraid that her educational certificates, which she left with her husband, are now traceless and that may be misused in future. The informant – opposite party no.2



has filed Criminal Miscellaneous No.30189/2017 for quashing of the Matrimonial Suit No. 286 of 2015, preferred by the petitioner, pending before the Principal Judge, Family Court, Biharsharif, Nalanda.

Learned Counsel for the petitioner submits that now the petitioner will appear in the said quashing application.

Considering the nature of accusation and the fact that now the issue has been resolved between the parties, let the above named petitioners be released on provisional 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 Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Nawada Town Police Station Case No.688 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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