

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41883 of 2016

Arising Out of PS.Case No. -378 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Rahul Kumar Chaudhary, S/o Lalit Kumar Chaudhary, Resident of Village-
Ghoghardiha P.S., Ghoghardiha, Dist.- Madhubani

.... Petitioner/s

Versus

1. State of Bihar
2. Kajal Goyal, Wife of Rahul Kumar Chaudhary, Daughter of Rajendra Goyal, Resident of Village ghoghardiha, PS- Ghogghardiha, District - Madhubani at Present Residing at Mohalla Ashram Road, Raxaul, P.S. - Raxaul, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Adv.
For the State : Mr. Sri Pranav Kumar, APP
For the complainant : Mr. Ajay Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 08-08-2017 Heard Mr. Shakti Suman Kumar, learned Counsel appearing on behalf of the petitioner and Mr. Ajay Kumar Singh, learned Counsel appearing on behalf of the complainant, as well as Mr. Pranav Kumar, learned APP for the State.

The petitioner and the complainant are present.

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 Sections 504, 323 and 498A of the Indian Penal Code.

Prosecution case got initiated with the filing of



Complaint Case No. C-378 of 2015, by opposite party no.2-complainant, on 18.12.2015. The complainant claims to have married with the petitioner on 02.05.2014. After marriage, the relationship remained cordial for a year, but, thereafter, Rs.25000/- was demanded as dowry which was paid by the father of the complainant, but again, a demand of Rupees Two Lakhs was made by the accused persons and the complainant was tortured for non-fulfillment of the same. On 29.05.2015, the accused persons after assaulting the complainant drove her out from the matrimonial house. Consequently, considering the solemn affirmation of the complainant and statement of the enquiry witnesses, the order of cognizance was passed.

It is submitted by learned Counsel appearing on behalf of the petitioner that the petitioner admits his marriage with the complainant and has filed Matrimonial Suit No. 08 of 2016 with a prayer for divorce, on the ground that the complainant has deserted the petitioner. Though, the matrimonial suit was executed, but subsequent to filing of the complaint.

This Court vide order dated 23.09.2016 directed for issuance of notice to opposite party no.2 on the submission of the petitioner that the petitioner is ready to resolve the issue. Subsequently, on joint prayer of the parties, vide order dated



21.01.2017, this Court referred the matter to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority. The report of the Mediator dated 15.03.2017, kept at 'Flag-X' reflects that the issue could not be resolved between the parties through the process of mediation. The order dated 03.07.2017 reflects that it was jointly submitted that though the issue could not be resolved during mediation, but now the parties have resolved the issue outside the Court, in terms of parting ways, on payment of one time settlement amount of Rupees Seven Lacs, by the petitioner to the complainant, besides exchange of jewellery. The order dated 03.07.2017 further reflects that a draft of Rupees Four Lacs drawn on Allahabad Bank was handed over to the learned Counsel appearing on behalf of the complainant for its being handed over to the complainant, who was present in the Court and it was submitted that remaining amount of Rupees Three Lacs will be paid to the complainant within a period of four weeks and consequently the matter was adjourned for today i.e. 8th of August, 2017.

It is submitted by learned Counsel appearing on behalf of the petitioner that a draft of Rupees Three Lacs is being handed over to learned Counsel for the complainant for its being handed over to the complainant.



Learned Counsel appearing on behalf of the complainant is expected to make endorsement on the record with regard to receipt of draft of Rupees Three Lacks.

Learned Counsel appearing on behalf of the petitioner further submits that the jewellery has also been returned and both sides agree to file appropriate application within a period of four weeks bringing to the notice to the Court concerned about the present stand of the parties in the present Complaint Case No.C-378 of 2015, pending before the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari and Matrimonial Suit No. 08 of 2016 pending before the Principal Judge, Family Court, Madhubani, as well as Maintenance Case No. 56 of 2015, pending before the Principal Judge, Family Court, East Champaran.

A joint affidavit dated 12.07.2017, has been filed to the effect that the issue has been reconciled between the parties.

Learned Counsel appearing on behalf of the complainant submits that in view of the issue being reconciled and the complainant having received the entire payment and jewellery, she is not opposing the prayer for bail of the petitioner.

Considering the above deliberate 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 Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari, in connection with Complaint Case No.C-378/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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