

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7385 of 2017

Arising Out of PS.Case No. -403 Year- 2016 Thana -CHAPRA MUFFASIL District- SARAN

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1. Dharmendra Singh, son of late Brij Kishore Singh, resident of village-Basdila, P.S.- Jalalpur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pratima Singh, wife of Dharmendra Singh, d/o Raj Kishore Singh, r/o village-Galimapur, P.S.-Ekma, District-Saran, at present residing at Mohalla-Sadhe Newazi Tola, P.S.-Chapra Mufassil, District-Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

Mr. Ashok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 08-08-2017

Heard learned counsel for the Petitioner and the

State as well as counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Chapra Muffasil P.S. Case No.403 of 2016 instituted for the offence under Section(s) 498-A, 323, 341, 504, 380/34 Indian Penal Code and Section 3 of the Dowry Prohibition Act.

Petitioner is husband of the informant-Opposite Party No.2.

Both husband and wife have appeared in Chambers. Maternal uncle of the wife has also appeared.

After talking with both husband and wife, it appears that both the parties have agreed for one time settlement. Both the



parties have agreed to come to amicable settlement and thereafter they will withdraw the case(s) filed by them against each other.

Petitioner-husband has agreed to make payment of rupees five lac as one time settlement to the wife to which wife- Opposite Party No.2 and her maternal uncle are also agreed. The petitioner has submitted that he will make payment of rupees three lac fifty thousand on or before the date of surrender in the Court below and rest rupees one lac fifty thousand will be paid within a period of six months.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Chief Judicial Magistrate, Saran at Chapra, within a period of four weeks from today in connection with Chapra Muffasil P.S. Case No.403 of 2016, along with receipt showing payment of rupees three lac fifty thousand to the Opposite Party No.2-wife either through Demand Draft or by crediting directly in her Savings Account and in that event the court below will release the petitioner on provisional bail to its own satisfaction for a period of six months during which period the petitioner will make payment of the balance amount i.e. rupees one lac fifty thousand to the Opposite Party No.2.

It is made clear that in the event the petitioner makes



payment of rupees one lac fifty thousand to the Opposite Party No.2 within the aforesaid time limit, the Court below will confirm the provisional bail of the petitioner after six months.

It is further made clear that in the event the petitioner does not surrender in the Court below along with receipt showing payment of rupees three lac fifty thousand, as agreed in Chambers today, or the petitioner makes default in making payment of balance amount of rupees one lac fifty thousand, it will be open to the Court below to pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner without taking into consideration the observations made above by this Court.

After making full payment of amount of one time settlement i.e. rupees five lacs by the petitioner to the Opposite Party No.2-wife, both will file necessary application(s) in the Court below to withdraw the case(s) filed by them against each other and the Court below will pass appropriate order in accordance with law.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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