

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35899 of 2016

Arising Out of PS. Case No.-59 Year-2014 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Ratnakar Pathak, S/o Sri Ravindra Pathak, Resident of Mohalla - Laxmi Sagar, Mithila Colony, P.S. - L.N.M.U., District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Archana Pathak, W/o Ratnakar Pathak, D/o Prem Kumar Jha, Resident of Village- Harihar Pur, P.S - Kamtaul, District - Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anjani Kumar Sinha, Adv.
For the State	:	Mr. Damodar Prasad Tiwari, APP
For O. P. No.2	:	Mr. Vinay Kumar Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

11 14-09-2017 Heard Mr. Anjani Kumar Sinha, learned Counsel appearing on behalf of the petitioner, Mr. Vinay Kumar Mishra, learned Counsel appearing on behalf of the informant and Mr. Damodar Prasad Tiwary, learned APP for the State.

The petitioner, being the husband of the informant, is apprehending his arrest in a case registered for the offences punishable under Sections 341, 342, 323, 379, 498A, 354, 376/511 and 321 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case got initiated with filing of Complaint Case No. 344 of 2014 by the complainant- opposite party no.2, Archana Pathak on 24.03.2014, which after being transferred



under Section 156(3) of the Criminal Procedure Code registered as L. N. M.U. P.S. Case No.59 of 2014. The prosecution case is that the marriage of the informant-opposite party no.2 was performed with the petitioner on 09.06.2012, but subsequent to marriage, dowry demand of a Car and a Laptop was made. Subsequently, the father of the informant gave one motorcycle to the petitioner in dowry. Thereafter, the husband of the informant went to Delhi at his place of employment. In the meantime, on 02.10.2013, the brother of the husband of the informant, Rajen Pathak made an attempt to establish physical relationship with the informant, but on alarm being raised by the informant the parents-in-law of the informant arrived and thereafter, she was assaulted by them, as a result, three months pregnancy of the informant got terminated. The informant complained this incident to her husband, but he also did not pay any attention to the same. It is also alleged that the husband of the informant after consuming liquor used to assault her. On 16.03.2014, all the accused persons under a conspiracy tried to kill the informant and ultimately on 17.03.2014, after snatching all her belongings, the informant was driven out from the matrimonial house. The husband of the informant also threatened her to perform second marriage.



It is submitted by learned Counsel appearing on behalf of the petitioner that the marriage between the petitioner and the informant, having no issue, is an admitted fact.

This Court vide order dated 27.02.2017, referred the matter to the Mediation and Reconciliation Centre of the Bihar State Legal Service Authority. The report of the Mediator dated 01.05.2017, kept at 'Flag-B' reflects that the issue could not be resolved through the process of mediation between the parteis.

However, it is submitted by learned Counsel for the petitioner that outside the Court the issue has been resolved and both the petitioner and the informant have decided to part ways on payment of one time settlement amount of Rupees Eight Lacs, within a period of three months by way of submitting a demand draft to that effect before the Principal Judge, Family Court, Darbhanga. The petitioner is also ready to return certain articles like Sofa-set, dressing table, almira and bed to the informant-Opposite party no.2. It is further submitted that the accusation under Sections 376,511 and 312 of the I.P.C. has not been labelled against the petitioner. A joint compromise petition has been filed to that effect. Paragraph 5 of the joint compromise petition stipulates that both the petitioner and the informant -opposite party no.2 are ready to get the marriage



dissolved by filing appropriate matrimonial suit under Section 13B of the Hindu Marriage Act before the Principal Judge, Family Court, Darbhanga.

Learned Counsel appearing on behalf of the informant does not controvert the contention of the learned Counsel for the petitioner that the issue has been resolved and the informant and the petitioner decided to part ways in terms of payment of one time settlement amount of Rupees Eight Lacs. In the circumstances, the informant is not opposing the prayer for bail of the petitioner. A statement to that effect has been made in the joint compromise petition, affidavited by both the petitioner and the informant that the present criminal miscellaneous application be disposed of in terms of compromise. Paragraph 8 of the joint compromise petition reads as under :-

“That in view of aforesaid compromise Cr. Misc. No. 35899 of 2016 may be disposed of.”

Both sides also agree to file Matrimonial Suit under section 13B of the Hindu Marriage Act before the Principal Judge, Family Court, Darbhanga within a period of six weeks of receipt/production of a copy of the order of this Court.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail, in the event of



arrest of 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 Chief Judicial Magistrate, Darbhanga, in connection with L.N.M.U. P.S. Case No. 59 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

However, either party will be at liberty to file appropriate application, if either one fails to comply the terms of agreement as stipulated in the compromise petition.

It is expected from the petitioner and Opposite party no.2 to file a copy of compromise petition also before the learned Court below.

(Dinesh Kumar Singh, J)

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