

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14248 of 2016

Arising Out of PS.Case No. -1150 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Prakash Bhargava, son of Sri Pushkar Narayan Bhargava,
resident of Satyog Bhavan, North Office Para, Doranda, P.S.-
Doranda, District-Ranchi, State –Jharkhand.

.... Petitioner/s

Versus

1. 1 .State of Bihar
2. Rita Sinha, wife of Sushil Kumar Sinha, present resident
of 89/Patliputra Colony, in front of Notre Dame School,
P.S. – Patliputra, District- Patna.
3. Bhawan Sinha, wife of Prakash Bhargava, D/o late
Sushil Kumar Sinha, present resident of 89, Patliputra
Colony, in front of Notre Dame School, P.S.-Patliputra,
Dist.-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Singh, Advocate
For the State : Mr. J. N. Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

10 28-01-2017 Heard learned counsel for the petitioner, complainant
and the State.

The petitioner being husband of the daughter of the
complainant is apprehending his arrest in a complaint case
wherein processes were directed to be issued after cognizance
being taken for the offences punishable under Section 498A of the
Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfilment of
dowry demand.

The petitioner and the daughter of the complainant



are present.

It is jointly submitted that both the parties have entered into compromise and to that effect a compromise petition is being filed, but it needs some correction.

Learned counsels for the parties are permitted to make necessary correction in the joint compromise petition.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the daughter of the complainant but somehow or the other the marriage could not succeed, as a result the petitioner filed Matrimonial Suit No. 18 of 2013 which was dismissed on 05.01.2015 against which the petitioner preferred M.A. No.62/2015 before this Court, which is still pending.

This Court vide order dated 09.05.2016, on joint prayer of the parties, referred the matter to the Mediation and Conciliation centre of the Bihar State Legal Services Authority. The report of the Mediator dated 16.08.2016, kept at 'Flag-X', reflects that the issue could not reconcile through the process of mediation.

It is jointly submitted that the issue has now been reconciled and both sides have decided to part ways on payment of one time settlement amount of Rs.14, 00,000/-(rupees fourteen



lakhs) and exchange of jewellery and other household articles within a period of three months. Both sides are also ready to withdraw the cases filed against each other. Both the parties agree to dissolve the marriage by taking resort to the provisions of Section 13B of the Hindu Marriage Act. The terms of agreement has been stipulated in paragraph nos.2 to 9 of the joint compromise petition, which reads as follows :-

"2. That by virtue of said compromise/settlement petitioner is ready to pay by way of one time settlement to the tune of Rs.14,00,000/- (Fourteen Lakh) only to the opposite party no.3 namely Bhavana Sinha in her account bearing A/C No.1828911733 of Central Bank of India, Patliputra Branch, Patna.

3. That the petitioner is agreed to give following jewelries to the opposite party no.3 :-

- A. 1 Sita Har Set, Ear Ring and Ring.
- B. 1 Har Set, Ear Ring and Ring
- C. 1 Pearl Moti Set, Ear Ring, Bracelet with wrist watch.
- D. 1 Diamond Ring.
- E. 1 Gold Chain and
- F. 8 Rings.

4. That apart from that petitioner is also ready to give following item to the opposite party no.3.

- A. 1 Handy Cam Camera,
- B. 1 OTG and
- C. 1 Dinner Set

5. The opposite party no.3 also agrees to give following jewelries etc. to the petitioner.

- A. 1 Gold Maang Tika (5.2 grams)
- B. 1 Gold Nathiya



- C. 1 Gold Dholna
- D. 1 Gold Patwasi
- E. 1 Gold Mangal Sutra
- F. 1 Diamond Ring
- G. 1 Gold Set Necklace + Ear Ring (14.26
grams)
- H.1 Gold Set Necklace + Ear Ring (15.62
grams)
- I. 2 Gold Pendent Set (Pendent + Ear Ring)
- J. 1 Gold Pearl Pendent Set (Pendent + Ear
Ring)
- K. 3 Gold Ring
- L. 5 Gold Ear Tops
- M. 1 Gold Bracelet
- N. 1 Silver Payal.

5(a) That total amount Rs.14,00,000/- and ornament to be given by petitioner to opposite party no.3 within three months from today.

6. That opposite party no.3 is ready to withdraw the complaint case no.1150 © of 2015 pending in the Court of learned SDJM, Patna, Execution Case No.05/2015, pending in the Court of Principal Judge, Family Court, Patna and Domestic Violence Case No.78 of 2013, pending in the Court of Smt. Divya Mitra, J.M, 1st Class, Patna and Matrimonial Case No.2527 of 2016, pending in the Court of Additional Principal Judge, Family Court, Patna.

7. That the petitioner filed a divorce case bearing Matrimonial Case No.18 of 2013 which was dismissed on 05.01.2015 against which petitioner preferred an appeal bearing Miscellaneous Appeal No.62 of 2015 before this Hon'ble Court. Accordingly both parties are ready to file joint compromise petition for consent divorce decree before this Hon'ble High Court in Misc. Appeal No.62 of 2015.



8. That there is no chance of any further reconciliation between the parties as such parties have decided to breakup their matrimonial relation by way of filing petition under section 13(1) B of Hindu Marriage Act in Misc. Appeal No.62 of 2015 pending before this Hon'ble High Court.

9. That both parties shall not claim anything more after said compromise."

Both sides also agree that the whole exercise of making payment and exchange of jewellery as well as filing of appropriate application for withdrawal/compromise of the cases will be done within the aforesaid period of three months.

Under the circumstances, opposite party nos. 2 and 3 are not opposing the prayer for bail of the petitioner.

Considering the present 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 twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Patna, in connection with Complaint Case No.1150 © of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The either side will have liberty to file appropriate application before this Court, if either side fails to comply the



undertaking or violates the terms of the compromise as stipulated
in the joint compromise petition.

Ashwini/-

(Dinesh Kumar Singh, J)

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