

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32381 of 2016

Arising Out of PS.Case No. -310 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Naveen Kumar Gupta Son of Sri Chandrashekhar Prasad Gupta Resident of
Village - Bhirgu Ashram, Japliganj, P.S. - Kotwali, District - Balia.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sneha Kumari Wife of Navin Kumar Gupta Resident of Indira Nagar,
P.S. Indira Nagar, Distt. Lucknow (U.P.) presently residing at
Mansoorganj, P.S. Malsalami, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh, Adv.

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 18-03-2017 Heard learned counsels for the petitioner, complainant
and State.

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 has been taken for the
offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

The petitioner and the complainant are present in the
court.

On submission of the learned counsel for the petitioner
that the petitioner admits his marriage with the complainant



having no issue and he is ready to keep her as wife with full dignity and honour, notices were issued to the complainant vide order dated 02.08.2016. Subsequently, on joint prayer of the parties, the matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority vide order dated 21.11.2016.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant having no issue and now through mediation, the issue has been resolved and both sides decided to part ways on payment of one time settlement amount of ₹14 lacs which has to be paid in six installments within a period of eight months. The first installment of ₹2 lacs had to be paid on 03.03.2017 before this Court but the same could not be paid. Though draft of the said amount has been brought for being handed over to the complainant. The second installment of ₹3 lacs has to be paid within a period of one month at the time of presentation of application under Section 13(B) of the Hindu Marriage Act, the third installment of ₹2 lacs has to be paid at the time of withdrawal/closure of Complaint Case No. 310C of 2015, the fourth installment of ₹2 lacs has to be paid at the time of withdrawal of Maintenance Case No. 266 of 2016, the fifth installment of ₹1 lac has to be paid at the time of withdrawal of



D.V. Case No. 21 of 2016 and the sixth installment of ₹4 lacs is to be paid at the time of pronouncement of judgment for dissolution of marriage. All the payments will be made through bank draft. The draft of first installment of ₹2 lacs drawn on the Central Bank of India is being handed over to the learned counsel for the complainant for it being handed over to the complainant. It is expected from the learned counsel for the complainant to make endorsement with regard to bank draft.

Learned counsel for the complainant does not controvert the contention of learned counsel for the petitioner and is not opposing the prayer of bail of the petitioner since it was one of the terms of the agreement.

Considering the rival submission of the parties, it appears that from the report of the mediator dated 28.02.2017 at flag-A that the issued has been resolved between the parties as both sides have decided to part ways on payment of one time settlement amount of ₹14 lacs in six installments.

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 City in connection with Complaint Case No. 310C of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Either party will be at liberty to file an appropriate application if they violate the terms of agreement.

Let a copy of the order along with the report of the mediator dated 28.02.2017 at flag-‘A’ including the joint memorandum of settlement be transmitted to the learned court below.

The present order will not preclude the parties to file report of the mediator including joint memorandum of settlement before the learned court below.

(Dinesh Kumar Singh, J)

Amrendra/-

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