

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38458 of 2016

Arising Out of PS.Case No. -1576 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Rajesh Kumar @ Dr. Rajesh Kumar son of sri Harinandan Prasad
Resident of Village-Madanpur, P.S.-Dumra, District-Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Pratima Kumari wife of Dr. Rajesh Kumar,D/o Anjani Kumar resident of
Bibiganj Anandpuri, P.S.-Sadar, District- Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary

For the Opposite Party/s : Mr. Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 23-02-2017 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 406 of the Indian Penal Code and section 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant but filed Matrimonial Suit No. 162 of 2012 with a prayer for divorce



though subsequent to the filing of the complaint.

Notices were issued to O.P. No. 2 vide order dated 2.9.2016. It is further submitted by learned counsel for the petitioner that the prosecution with regard to other accused persons have been quashed by a co-ordinate bench of this court vide order dated 8.4.2016 passed in Cr. Misc. No. 8761 of 2013.

On joint prayer of the parties, vide order dated 8.12.2016, the matter was referred to mediation. The report of the Mediator dated 13.2.2017 at Flag – 'X' reflects that the parties have decided to part ways on payment of one time settlement amount of Rs.6,50,000/-. The report further reflects that the petitioner submitted two bank drafts of rupees two lacs and rupees four lacs fifty thousand before the learned Principal Judge, Family Court, Sitamarhi in Matrimonial Suit No. 162 of 2012.

Considering the present stand of the parties and the terms of agreement arrived at between 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, East, Muzaffarpur in connection with Complaint Case No. 1576 of 2012 subject to the conditions



as laid down under Section 438(2) Cr.P.C.

Let a copy of this order and the report of Mediator along with the terms of agreement be transmitted to the learned Principal Judge, Family Court, Sitamarhi as well as to the learned SDJM, East, Muzaffarpur.

(Dinesh Kumar Singh, J)

Anil/-

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