

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3918 of 2016

Arising Out of PS.Case No. -242 Year- 2015 Thana -COMPLAINT CASE District- JAMUI

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1. Praveen Kumar , aged about 30 years, s/o Sri Janak Sahu Resident of Ratu Chatti, P.s Ratu Chatti, Distt Ranchi, (Jharkhand), Pin Code no. 835222, A/p resident at No. 71 , 2nd Floor, Ist Main , 7th Cross, N.S. Palya Mico Layout B.T.M. , 2nd state Bangalore- 560076.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Soni Kumari, aged about 28 years D/o Sri Gauri shanker gupta, W/o Sri Praveen Kumar Resident of Sikandra, P.s Sikandra, Distt Jamui, A/p Oracle India Private Limited Commerce @Mantri level-4, No. 12/4 and 2 N.S. Palya Banner-Ghatta road, Bangolor -560076

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao

For the Opposite Party/s : Mr. Kr.Virendra Narayan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

12 23-02-2017 Heard learned counsels for the petitioner, complainant and the 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 being taken for the offences punishable under Sections 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant. Through, initially the petitioner filed Matrimonial Case No. 243 of



2015 on 13.01.2015 before the learned Principal Judge, Family Court, Bangaluru with a prayer for restitution of conjugal life which was subsequently withdrawn but subsequently he also filed Matrimonial Suit No. 2891 of 2015 with a prayer for divorce which is still pending before the learned Principal Judge, Family Court, Bangaluru.

A joint affidavit has been filed today stipulating therein that the parties have decided to part ways on payment of one time settlement amount of ₹21 lacs. It is jointly submitted that aforesaid amount will be paid in three equal installments. First installment will be paid on filing of withdrawal/compromise petition within a period of four weeks in the present Complaint Case No. 242C of 2015 pending in the court of learned SDJM, Jamui. The second installment will be paid on filing of matrimonial suit within a period of eight weeks under Section 13(B) of the Hindu Marriage Act before the learned Principal Judge, Family Court, Bangaluru and third installment will be paid on final decree being passed in matrimonial suit. It is also submitted that the petitioner will withdraw Matrimonial Suit No. 289 of 2015 pending before Family Court, Bangaluru.

Learned counsel for the complainant is not controverting the contents of joint compromise petition and 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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Jamui in connection with Complaint Case No. 242C of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Either party will be at liberty to file appropriate application before this Court in case of breach of terms of compromise petition.

(Dinesh Kumar Singh, J)

Amrendra/-

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