

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 26746 of 2016

Arising Out of PS.Case No. -1002 Year- 2015 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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Konark Kumar @ Bittu Son of Ajai Jha Resident of Hatiya Road, Near
Durga Asthan Tilka Manjhi, P.S. Tilka Manjhi, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ankita Kumari wife of Sadanand Pathak resident of Lallu Pokhar, P.S.
Kasim Bazar, District Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ajit Kumar Singh, Advocate
For the S t a t e : Mr Arun Kumar, APP

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CORAM: HON'BLE MR JUSTICE DINESH KUMAR SINGH

ORAL ORDER

9 04-04-2017 Heard learned counsel for the petitioner,
complainant and Mr Arun Kumar, for the State.

Petitioner, being the husband of the complainant, is
apprehending his arrest in Complaint Case No 1002C of 2015
wherein process has been directed to be issued after cognizance
being taken for offences punishable under Section 498A of Indian
Penal Code.

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

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the complainant and birth of a



female child.

Though this Court, vide order dated 05.09.2016, referred the matter to the Mediation and Conciliation Centre of the State Legal Services Authority but the report of Mediator dated 17.11.2016 reflects that the issue could not be resolved through the process of mediation.

However, the learned counsel for the petitioner submits that now the petitioner and the complainant have resolved the issue in terms of parting ways on payment of one time settlement amount of Rs 5,50,000/-. The said amount agreed to be paid to the complainant by the petitioner in five installments. Rs 1,00,000/- will be paid by the petitioner through the bank draft by submitting the same before learned Additional Chief Judicial Magistrate III, Munger at the time of furnishing bail bonds. The next installment of Rs 1,00,000/- will be paid within four weeks thereafter by submitting bank draft of the said amount before learned Principal Judge, Family Court, Munger when the petitioner and the complainant will file a Matrimonial Suit under Section 13B of the Hindu Marriage Act before the Principal Judge, Family Court, Munger. The third installment of Rs 1,00,000/- will be paid by submitting bank draft of the said amount before the Principal Judge, Family Court, Munger after one month of the



filing of Matrimonial Suit. Thereafter, for the fourth installment, a draft of Rs 1,00,000/- will be submitted three months after filing the Matrimonial Suit and, for the last installment, a draft of Rs 1,50,000/- will be submitted on the date of judgment in the Matrimonial Suit.

Learned counsel for the petitioner further submits that both sides have agreed that the complainant will file appropriate application before the ACJM III, Munger stipulating in clear terms that the complainant is no longer willing to prosecute the Complaint Case No 1002C of 2015 as the issue has been resolved between the parties.

Learned counsel for the complainant submits that, as per the instructions from the complainant, he is not controverting the contention of the learned counsel for the petitioner. Both sides agree to file a joint application stipulating the terms of compromise before the learned ACJM III, Munger as well as the Principal Judge, Family Court, Munger.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned Court below within a period of 12 weeks from today on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Additional Chief Judicial Magistrate III, Munger in Complaint Case No 1002C of 2015 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code.

It is expected from the concerned Court to conclude the proceeding of the Complaint Case, Maintenance Case as well as the Matrimonial Suit, if filed, expeditiously in view of the present stand of the parties.

It is also expected from the learned ACJM III, Munger and the learned Principal Judge, Family Court, Munger to release the bank draft in favour of the complainant as and when it is submitted by the petitioner.

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

(Dinesh Kumar Singh, J)

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