

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18499 of 2017

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Shekhar Sinha @ Shekhar Kumar Sinha

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nikhilesh Kumar

For the Opposite Party/s : Mr. Smt Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-06-2017 Heard learned counsel for the petitioner and learned
APP for the State.

This is an application filed for modification of the order dated 21.12.2016 passed in Cr. Misc. No. 32913/2016 to the extent that in Complaint Case No. 476/2016, filed by Sanjay Kumar Sinha, the uncle of O.P. No. 2 against the petitioner wherein process has been directed to be issued after cognizance being taken under Sections 323, 380 and 504 of the Indian Penal Code may also be included within the ambit of compromise.

The petitioner being the husband of the complainant was granted anticipatory bail vide order dated 21/12/2016, passed in Cr. Misc. No. 32913/2016 in complaint case wherein process was directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act on the basis of a joint compromise petition



to the effect that both sides decided to part ways on payment of one time settlement amount of Rs. 9,00,000/-, out of which, counsel for the petitioner handed over a draft of Rs. 5,00,000/- drawn on State Bank of India, P.B.B. Dhanbad branch dated 15.12.2016 in favour of the complainant. The rest amount of Rs. 4,00,000/- was agreed to be paid within a period of four months from the date of order passed in Cr. Misc. No. 32913/2016.

It is submitted by the learned counsel for the petitioner that the draft of remaining amount of four lacs has been given to the complainant, hence the above mentioned Complaint Case filed by the uncle of the complainant which was the part of the compromise petition, be incorporated in the order dated 21.12.2016 passed in Cr. Misc. No. 32913 of 2016.

Sri Binod Pandey, learned counsel for the complainant submits that the amount of Rs. 4,00,000/- was not paid within the period of four months as stipulated in the order dated 21.12.2016, but now the same has been paid to her and the complainant has no objection in incorporating Complaint Case No. 476 of 2016 in the order dated 21.12.2016. It is further submitted that the complainant undertakes to file appropriate application for withdrawal/compromise of aforesaid complaint case before the court concerned within a period of three weeks.



The order dated 21.12.2016 passed in Cr. Misc. No. 32913 of 2016 is modified to the extent that parties are also ready to file appropriate compromise/withdrawal application in Complaint Case No. 476 of 2016 before court concerned within a period of three weeks.

Accordingly, the modification application is disposed of.

Rakhi

(Dinesh Kumar Singh, J.)

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