

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46815 of 2016

Arising Out of PS.Case No. -792 Year- 2015 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Chandan Kumar, Son of Shyam Nandan Prasad Singh, Resident of Mohalla-
Sidharthpuram, Lane No.2, Near Hanuman Mandir, Ram Dayalu Nagar,
P.S.- Sadar, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Niti Priya, Wife of Chandan Kumar, Daughter of Sri Sitaram Prasad, at present resident of Mohalla- Khan Bhadur Road, Near G.P.O., P.O.+P.S.+District- Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Smt. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

09/ 31-08-2017

Heard learned counsels for the petitioner,
complainant-opposite party no. 2 and Smt. Asha Kumari,
learned counsel for the State.

The petitioner, being the husband of the
complainant, is apprehending his arrest in a complaint case,
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 323, 498A of the Indian Penal Code and Sections 3/4



of Dowry Prohibition Act.

The prosecution case got initiated with filing of Complaint Case No. 792 of 2015 by complainant-opposite party no. 2 on 08.09.2015 alleging therein that the marriage between the petitioner and the complainant-opposite party no. 2 was performed on 21.01.2014, thereafter the complainant and the petitioner went for Honeymoon to Delhi and Shimla and they returned on 05.02.2014. Thereafter, the accused persons started demanding a car as further dowry demand and for non-fulfillment of the same, the torture was inflicted upon the complainant at the hands of the petitioner and other accused persons. On protest being made, the petitioner deserted the complainant leading to filing of the present complaint.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he made all efforts to reconcile the issue and ultimately when the complainant deserted him, he filed Matrimonial Suit No. 121 of 2015, with a prayer for divorce and thereafter, the present complaint was filed on 08.09.2015.

On joint prayer for the parties vide order dated 03.02.2017 the matter was referred to Mediation and Conciliation Centre of Bihar State Legal Services Authority.



Consequently, the issue got reconciled between the parties and both sides decided to part ways on payment of one time settlement amount of Rs.11,50,000/- to the complainant and it was also decided that the petitioner will return briefcase of the complainant, containing some clothes and silver ornaments. It is further submitted by learned counsel for the petitioner that out of Rs.11,50,000/- the petitioner paid Rs.2,00,000/- on 11.05.2017 through Bank Draft No. 515769 of ICICI Bank, Rs. 6,00,000/- was paid on 30.06.2017 and remaining Rs.3,50,000/- through a bank draft has been paid today. The order of this Court dated 06.07.2017, reflects that draft of Rs.6,00,000/- was handed over to the counsel for the complainant on 06.07.2017 and the remaining amount of Rs.3,50,000/- has also been handed over to the counsel for the complainant, drawn on Canara Bank through Bank Draft No. 949103 dated 25.08.2017. Hence, the entire amount has been paid to the complainant and the briefcase has also been returned with article, but the complainant has disputed with regard to the identity of briefcase as she is claiming that the briefcase somehow got changed.

In the circumstances, counsel for the petitioner submits that the petitioner is ready to make payment of Rs.4000/- in lieu of briefcase to the counsel for the complainant.



It is expected from the counsel for the complainant to make endorsement on the record with regard to the receiving of the bank draft of Rs.3,50,000 and cash of Rs.4000/ in lieu of the briefcase.

Though, substantially the issue has been settled between the parties and both sides agree to file appropriate application with regard to the pending cases between them, stipulating therein that the issue has been resolved between the parties.

In the circumstances, the counsel for the complainant is not opposing the prayer for anticipatory bail of the petitioner.

Considering the present stand of the parties and keeping in view the fact that the issue has been resolved by way of parting ways through mediation on payment of one time settlement amount of Rs.11,50,000/- which gets reflected from the report of Mediator dated 15.05.2017, kept at Flag 'X', 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 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



Chief Judicial Magistrate, Jehanabad in connection with Complaint Case No. 792 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the report of Mediator including the terms of agreement be transmitted to the learned Court below along with the order of this Court.

(Dinesh Kumar Singh, J.)

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