

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38479 of 2017

Arising Out of PS.Case No. -326 Year- 2016 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Akhilesh Mistri @ Akalesh Mistri, Son of Munni Mistri, Resident of
Village- Godihari Police Station Roh, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Khushabu Kumari wife of Akhilesh Mistri @ Akalesh Mistri resident of
Village- Godihari Police Station Roh, District- Nawada. At present
residing with her father Sri Babulal Mistri resident of Village-
Katarisarai Tola Jawaharchak, P.S. Katarisarai, District- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Vikram Deo Singh, Advocate Mr. Rabindra Prasad Singh, Advocate
For the Opposite Party No. 2	:	Mr. Raj Kishore Prasad, Advocate
For the State	:	Mr. Anil Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

04/ 01-12-2017

Heard Mr. Ravindra Prasad Singh, learned

counsel for the petitioner, Mr. Raj Kishore Prasad, learned
counsel for opposite party no. 2 and Mr. Anil Kumar Singh,
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 498A, 323/34 of the Indian Penal Code and Sections
3/4 of Dowry Prohibition Act.



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

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant having no issue. It is further submitted that both have resolved the issue outside the Court in terms of payment of one time settlement amount of Rs.1,50,000/-. Though, in paragraph 3 of the compromise petition it has been mentioned that the amount of Rs.1,50,000/- will be paid to the complainant in one year. Both sides agree to file matrimonial suit for dissolution of the marriage before the learned Principal Judge, Family Court, Nawada and file appropriate application for withdrawal/compromise of the criminal cases arising out of the matrimonial dispute.

Learned counsel for opposite party no. 2 admits the terms of the compromise but he submits that only objection with regard to the period of payment. The said payment will be made within a period of three months.

Learned counsel for the petitioner admits that the said amount will be paid within a period of three months from the date of furnishing of bail bonds.

In the circumstances, learned counsel for



opposite party no. 2 is not opposing the prayer for anticipatory bail of the petitioner.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail provisionally for a period of four months, 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 Sub-divisional Judicial Magistrate, Nalanda at Biharsharif in connection with Complaint Case No. 326C of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned Court below on filing proof with regard to the payment of Rs.1,50,000/- either through bank draft or payment through bank account of the complainant.

Let the order be transmitted to the learned Court below along with the supplementary –cum- compromise petition filed by the parties before this Court.

(Dinesh Kumar Singh, J.)

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