

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28467 of 2016

Arising Out of PS.Case No. -137 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Prem Kumar, aged about 27 years, son of Ram Pravesh Yadav, resident of Village- Mahangua, P.S.- Kundwa Chainpur, District- East Champaran (Motihari).

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunaina Devi, daughter of Shri Upendra Prasad Yada, Wife of Prem Kumar, resident of Village- Mahangua, P.O.- Gurhanwa, P.S.- Kundwa Chainpur, District- East Champaran (Motihari). Presently residing with her father, Upendra Yadav, resident of Village- Sonaul Khan, P.S.- Majorganj, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

07/ 21-03-2017 Heard learned counsels for the petitioner, complainant-opposite party no. 2 and Mr. Bharat Bhushan 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 Section 498A of the Indian Penal Code.

The basic accusation is of torture

The matter was adjourned on several occasions



allowing the parties to resolve the issue. Today a joint compromise petition has been filed to the effect that both sides decided to part ways on payment of one time settlement amount of Rs.3,00,000/- by the petitioner to the complainant. The complainant agrees to file compromise petition in Complaint Case No. C1/137/2015. They also decided to file matrimonial suit under Section 13B of the Hindu Marriage Act, though, period for filing of matrimonial suit has not been mentioned in the compromise petition, but it is submitted that the matrimonial suit will be filed within a period of four weeks from today.

Mr. Santosh Kumar, learned counsel for the complainant having Enrollment No. 1041/09 does not controvert the contents of the compromise petition and hence, he is not opposing the prayer for anticipatory bail of the petitioner.

It is jointly submitted that Rs.3,00,000/- will be deposited before the learned Chief Judicial Magistrate, Sitamarhi in Complaint Case No. CI-137 of 2015 within a period of four months in four equal installments through bank draft.

Let the said amount will be released by the



learned court below in favour of the complainant.

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 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, Sitamarhi in connection with Complaint Case No. CI-137 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Dinesh Kumar Singh, J.)

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