

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16040 of 2016

Arising Out of PS.Case No. -159 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Dhiraj Kunal @ Dheeraj Kunal Son of Prem Lal Pankaj R/o Village
Manikpur Etha, P.S. Sakra, District Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Monu @ Monu Devi, daughter of Arun Kumar Paswan, Wife of Dhiraj
Kunal At present resident of Village Bajitipur, P.S. Ujiyarpur, District
Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 03-02-2017 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner and the complainant are present in the
Court.

The petitioner being the husband of the complainant
is apprehending arrest in a complaint case wherein process has
been directed to be issued after cognizance being taken for the
offences punishable under Sections 498A of the Indian Penal
Code.

Basic accusation is of torture.

This Court vide order dated 11.04.2016 issued notices
to the complainant on submission of the petitioner that the



petitioner is ready to keep the complainant as wife with full dignity and honour, though, no statement to that effect has been made in the petition. However, on joint prayer of the parties, vide order dated 16.08.2016, the matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority, but the report of the Mediator dated 24.10.2016, kept at Flag-A" reflects that the issue could not reconcile through process of mediation. Today, a joint compromise petition has been filed stipulating therein that the petitioner and the complainant have decided to part ways on payment of one time settlement amount of Rs.7,60,000/-. The terms of agreement stipulated in paragraph no.3 of the joint compromise petition, which reads as under :-

- i. That the petitioner undertakes to grant Rs.7,60,000/- (Seven Lakh sixty Thousand) as a onetime settlement through a bank demand draft issued in favour of the opposite party no.2.
- ii. That the O.P. No.2 undertakes to withdraw the present complaint case bearing Complaint Case No.1285 of 2016 pending in the Court of learned S.D.J.M. Dalsinghsarai, Samastipur.



the O.P. No.2 also undertakes to compromise the Samastipur P.S. Case No.75 of 2016 filed by her mother against the petitioner.

iii. That the O.P. No.2 further undertakes to withdraw the Maintenance Case No.202/2016 pending in the Family Court, Samastipur as well as all other criminal cases filed by her against the petitioner and his family.

iv. That the parties have agreed to convert the Matrimonial Case No.19 of 2015 pending in the Court of learned Principal Judge, Muzaffarpur, by filing a joint petition for divorce into a petition under section 13-B of the Hindu Marriage Act by filing a joint petition within a period of four weeks from the date of disposal of the present case.

v. The parties further undertake to compromise/withdraw all matrimonial



as well as criminal cases against each other.

- vi. The parties have agreed to give up all other claims of maintenance/alimony arising out of the matrimonial dispute in future."

Learned counsel for the petitioner submits that in pursuance to the terms of agreement he is handing over a demand draft of Rs.7,60,000/- drawn in State Bank of India to the learned counsel for the complainant for being handed over to the complainant.

Under the circumstances, learned counsel for the complainant submits that the complainant is not opposing the prayer for bail of the petitioner.

It is expected from the learned counsel for the complainant to make endorsement on record about receipt of demand draft of Rs.7,60,000/-.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each



to the satisfaction of learned SDJM, Dalsingh Sarai, Samastipur,
in connection with Complaint Case No.159/2015, subject to the
conditions as laid down under Section 438(2) Cr.P.C.

However, either party will be at liberty to file
appropriate application in case of breach of condition of the
agreement.

(Dinesh Kumar Singh, J)

Ashwini/-

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