

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1974 of 2018

Arising Out of PS. Case No.-139 Year-2016 Thana- COMPLAINT CASE District- Banka

Vivek Prasad Singh @ Vivek Kumar Singh, Son of Vijay Prasad Singh,
Resident of Ganga Garden 507A, Mundwa, Pingale Basti, Near Park Aainex,
P.S.- Mundwa, District- Pune (Maharashtra).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mrs. Anamika Kumari, W/o Sri Vevek Prasad Singh, Resident of Village-
Toygarh, P.S.- Barbigaha, District- Shekhpura (Bihar Present Address D/o Sri
Birendra Kumar Singh, Resident of Village- Bishunpur, P.S.- Shambhuganj,
District- Banka (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Vipin Kumar
For the Opposite Party/s :		Mr. Bal Mukund Prasad Sinha
For the O.P. No. 2	:	Mr. Gouranga Chatterjee

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 12-04-2018 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the opposite party No. 2.

The petitioner seeks bail in Complaint Case No. 139
of 2016 instituted for the offences under Sections 498(A), 323,
342, 504, 506, 406 of the Indian Penal Code and Section 4 of
the Dowry Prohibition Act pending before learned S.D.J.M.,
Banka.

Allegation against the petitioner is of committing
torture upon the victim due to non-fulfilment of demand of
dowry.

In pursuance to the order dated 18.01.2018, a joint



affidavit has been filed on behalf of the parties. The same is kept on record. Following statements have been made in paragraph 1 of the joint affidavit.

“1. That the petitioner and opposite party No. 2 Mrs. Anamika Kumari have agreed to settle their dispute outside the court on certain terms and conditions which are stated hereinbelow:

a. That the petitioner shall pay an amount of Rs. 25,00,000/- as one time settlement to the opposite party No. 2. The petitioner has already prepared a bank draft for the above said amount in favour of the opposite party No. 2 being Bank draft No. 480286 dated 06.04.2018 issued by the State Bank of India.

b. That the petitioner and the opposite party No. 2 would file a petition under section 13 B of the Hindu Marriage Act, for consent divorce before the learned Principal Judge, Family Court at Banka within 4 weeks from the date of the order passed in this case.

c. That the petitioner and opposite party No. 2 shall complete the legal necessity for withdrawal of the maintenance case pending before the learned Court below at Banka.

d. That a joint compromise petition shall be filed in complaint case No. 139 of 2016 before the learned Court of SDJM, Banka and all necessary steps shall be taken by the parties to end the case.

e. That the opposite party No. 2 shall have no other claim whatsoever from the petitioner on any account after receipt of the draft of Rs. 25,00,000/- (Twenty five lacs).

f. That the draft of the aforesaid amount shall be handed over to the opposite party No. 2 or her counsel as per the direction of this Hon'ble Court.”

Considering the fact that the parties have come to one



time settlement, the provisional bail granted vide order dated 18.01.2018 passed in the present case, is hereby confirmed.

In pursuance to the terms of the settlement, the Counsel for the O.P. No. 2 is directed to receive the draft of Rs. 25 lacs. The parties will be at liberty to make appropriate application before the competent Court in pursuance to the settlement arrived at between them. Whenever such application will be preferred before the appropriate Court, the same shall be disposed of preferably within a period of three months from the date of filing of such application in the interest of justice.

(Sudhir Singh, J)

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