

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37734 of 2014

Arising Out of PS. Case No.-1824 Year-2013 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

=====

Vijay Kumar Pandey @ Vijay Kumar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Neha Kumari

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ambuj Nayan Chaubey
For the Opposite Party/s	:	Mr. Anil Kumar Singh (APP)
For O.P. No. 2	:	Mr. Ajay Kr. Verma

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 05-01-2018 Heard learned counsels for the parties.

The petitioner and the O.P. No. 2 are present in Court.

The petitioner being the husband of the O.P. No. 2 is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offence under Section 498A of the IPC and Section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demands. The marriage between the parties, having no issue, is an admitted fact. The initial claim of the petitioner was that since the marriage was not consummated, Matrimonial Title Suit No. 180 of 2013 was filed on 13.5.2013 with a prayer for divorce wherein notices were served upon O.P. No. 2 on



3.10.2013 and thereafter, the present complaint petition was filed on 31.10.2013.

Earlier, the matter was adjourned on joint prayer of the parties for resolving the issue. Today, a joint compromise petition has been filed stipulating therein that both the petitioner and the O.P. No. 2 have decided to part ways on payment of one time settlement amount of Rs.3900000/-. Though the compromise petition does not stipulate the mode of payment but it is jointly submitted that the petitioner will deposit 25% of the agreed settlement amount through bank draft in favour of the O.P. No. 2 before the Principal Judge, Family Court, Sitamarhi where the Matrimonial Suit No. 175/2015 which was initially numbered as 180 of 2013, is pending. Next installment 25% of the agreed settlement amount will be deposited in the aforesaid mode after two months of the filing of the application before the Principal Judge, Family Court under section 13(B) of the Hindu Marriage Act, further 25% of the settlement amount will be deposited after four months from today and the rest 25% of the settlement amount will be deposited within one week of the passing of the final judgment/decreed of divorce or on the date of the judgment in the matrimonial suit. The parties further agree to file an application to convert the Matrimonial Suit No. 175 of



2015 into a suit under section 13(B) of the Hindu Marriage Act within four weeks. They also agree to file an appropriate application with regard to compromise in Complaint Case No. 1824 of 2013 as well as in the Maintenance Case No. 3 of 2014 pending in the courts of learned SDJM, Sitamarhi and Principal Judge, Family Court, Sitamarhi respectively.

Learned counsel for the informant does not controvert the terms of compromise as stipulated in paragraph nos. 2 to 5 of the compromise petition, which read as follows:

“2. That we are ready to agree to compromise on payment of consolidated one time permanent alimony of Rs. 39,00,000 (thirty nine lakhs) only to be paid by Mr. Vijay Kumar Pandey @ Vijay Kumar, the petitioner to Mrs. Neha Kumari, opposite party no. 2 in order to end all pending litigations between the parties and for grant of Decree of Divorce.

3. That the parties will file an application for a Decree of divorce by mutual consent within four weeks, from the date of the order passed in the instant case, in MTS case no. 175/2015 (earlier numbered as MTS case no. 180/13) presently pending in the Court of Principal Judge, Family Court at Sitamarhi.

4. That the parties undertake to file joint compromise petition before the Learned Court below in Complaint case no. 1824 of 2013 pending



in the court of Sub Divisional Judicial Magistrate at Sitamarhi and Maintenance case no. 3 of 2014 pending before the Court of Principal Judge, Family Court at Sitamarhi in terms of the present compromise and also on the basis of the order passed by this Hon'ble Court.

5. That the parties solemnly agree not to resile from the agreed terms. Any deviation by either of the parties from the agreed term will also constitute contempt of this Hon'ble Court against him/her.”

Hence, learned counsel for the informant is not opposing the prayer of the petitioner for anticipatory bail.

Considering the present stand of the parties, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Sitamarhi in connection with Complaint Case No. 1824 of 2013.

Either party will have the liberty to file appropriate application before this court, in case either side fails to comply the terms of compromise. It is expected from the learned Principal Judge, Family Court, Sitamarhi as well as learned SDJM, Sitamarhi to dispose of the aforementioned matrimonial suit, maintenance case and the present complaint case expeditiously



in view of the present stand of the parties.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

