

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35322 of 2018

Arising Out of PS.Case No. -16 Year- 2017 Thana -RAJAUN District- BANKA

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Amitesh Singh, S/o Amrendra Prasad Singh, resident of Mohalla - Vijay Bhawan Banka, Police Station - Banka, District - Banka.

.... Petitioner

Versus

1. The State of Bihar.
2. Sreepa Kumari, W/o Amitesh Singh, D/o Ghanshyam Prasad Singh R/o Village Naripa, Police Station - Rajoun, District - Banka.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Krishna Prasad Singh, Sr. Advocate and
Mr. Ajay Mukherjee, Advocate.
For the State : Mr. Chandrasen Prasad Singh, A.P.P.
For O.P. No. 2 : Mr. Ramchandra Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 04-09-2018 Heard learned senior counsel for the petitioner,

learned counsel for opposite party no. 2 and learned A.P.P. for the

State.

The petitioner seeks bail in a case for the offence registered under Sections 341, 323, 307, 379, 498(A), 376/511, 504, 506/34 of the IPC and 3/ 4 of the D.P. Act in which charge sheet has been submitted under Sections 341, 323, 498(A), 354(D)/34 of the IPC and ¾ of the D.P. Act.

The prosecution story, in brief, is that the accused persons including the petitioner tortured and assaulted the victim due to non-fulfilment of demand of dowry. It is further alleged



that the father of the petitioner also tried to establish physical relation with the victim.

By order dated 16.08.2018, the matter was adjourned for 21.08.2018 and liberty was given to the parties for making one time settlement and in the meantime the petitioner was granted provisional bail till further orders.

A supplementary affidavit has been filed on behalf of the parties. The following are the terms and conditions of settlement as per paragraph no. 3 of the affidavit.

“3. That both parties arrived settlement on the following terms and condition:-

- (i) The petitioner, namely, Amitesh Singh has to pay a sum of Rs. 12 lakh to the O.P. No. 2, namely, Shreepa Kumari out of which the petitioner will pay a sum of Rs. 6,00,000/- (Six Lacs) to the O. P. No. 2 through Bank Draft which would be paid before this Hon'ble Court on 21st August, 2018.
- (ii) The O.P. No. 2 shall file a compromise petition alongwith the petitioner in Rajaun P.S. Case No. 16/2017, G. R. No. 95/2017 and Tr. No. 5490/2017, pending in the court of S.D.J.M., Banka, to close the case in terms of compromise/settlement made before this Hon'ble Court.
- (iii) The petitioner, O.P. No. 2 shall file a fresh Matrimonial Case before the Principal Judge, Family Court, Banka, for getting a Decree of Divorce on the basis of mutual



- consent.
- (iv) That it is further mention here that petitioner shall deposit Demand Draft of Rs. 6 Lakh before Family Court at the time of deposition regarding her consent before Family Court which will disburse to O.P. No. 2 after Decree of divorce by the learned Family Court.
- (v) The O. P. No. 2 after getting the aforementioned amount of Rs. 12 Lacs, she will not be entitled for further any remuneration /maintenance or any type of compensation from the petitioner.
- (vi) The aforementioned Matrimonial Case will be filed by the petitioner and O. P. No. 2 within two weeks and thereafter the petitioner will deposit the Draft of Rs. 6 Lakh in favour of O. P. No. 2 as stated above.
- (vii) The aforementioned parties will have no relation of any kind after disposal of Rajoun P.S. Case No. 16/2017 and after grant of Decree of Divorce as well as the parties”.

Considering the fact that the parties have already come to a settlement, the provisional bail granted to the petitioner on 16.08.2018 in connection with Rajoun P.S. Case No. 16 of 2017, pending in the court of learned S.D.J.M., Banka, is hereby confirmed.

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(Sudhir Singh, J)

