

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52145 of 2018

Arising Out of PS. Case No.-48 Year-2018 Thana- MAHILA PS District- Buxar

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1. Kalindi Rai @ Kalindi Devi w/o Sriram Rai
 2. Sri Ram Rai son of late Gaya Rai
 3. Manish Kumar Rai @ Abhishek Rai @ Manish Rai
 4. Rakesh Rai
 5. Rishikesh Kumar Rai @ Rishikesh Rai, all 3 to 5 are sons of Shri Ram Rai,
 6. Sobha Rai @ Sobha Devi w/o Rakesh Rai, all resident of village Brka Nuaon, P.S. Buxar (Muffsil), District Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Bachan Jee Ojha, Adv.
For the State	:	Mr. Dr. Kumar Uday Pratap, APP
For the Informant	:	Mr. Rajeev Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 20-11-2018 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

The petitioners are apprehending their arrest in a case registered under Sections 341, 323, 504, 506, 498A, 406/34 of the Indian Penal Code.

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

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the



present case. The case is triable by the Magistrate. The petitioners have relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

A joint supplementary affidavit has been filed on behalf of the parties stating that the matter has been settled between them.

The terms of settlement is as follows :

“2. That for one time settlement matter settled at Rs.2,75,000/- (Rs. Two Lacks and seventy five thousands), which has been paid by petitioner No.5 (Husband) in following matter.

3. That today at the time of hearing of present bail application, the petitioner no.5 handed over the draft of Rs.75,000/- (Rs. Seventy five thousand) vide D.D. No.195571 .000024000 to informant namely Rani Devi or her behalf her learned Advocate before the Court.

4. That both party are also ready for mutual divorce from each other and both party will file a petition under Section 13B of Hindu Marriage Act, 1955 in the Family Court, Buxar, within 2 (Two) months from the date of order of present case, and in Divorce case both party will recorded their statement, on that day petitioner will hand over a cheque/drafts of Rs.1,00,000/- (Rs. One lack) to the informant and rest 1,00,000/- (Rs. One lakhs) will be given by petitioner no.5 to informant when the



decree of divorce will be passed by Family Court, Buxar.

5. That during the pendency of Divorce case the informant undertake that she also withdraw the criminal case Buxar (Mahila) P.S. case No.48 of 2018 which is pending in the Civil Court Buxar.

6. That, no child was born out of this wek lock as the marriage was never consummated.

7. That, after divorce, the marriage between petitioner No.5 and O.P. NO.2 (informant) has been broken and no emotion of undue influence against each other left in the hearts and minds of petitioner and informant (O.P. No.2).”

In compliance of the terms of settlement, the Counsel for the petitioners is handing over a draft bearing D.D. No.195511 for an amount of Rs.75,000/- to the counsel for the informant. The Counsel for the informant receives the said D.D. and signs in the margin of the order sheet in token of receipt of the same.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering that the matter has been settled between the parties, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Buxar in connection with Buxar (Mahila) P.S. case No.48 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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