

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31702 of 2018

Arising Out of PS.Case No. -1798 Year- 2016 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Shivesh Srivastava @ Bhutkun, S/o Rajdeo Prasad, Resident of Mohalla-
Balughat, Road No.- 3, Ward No.- 17, P.S.- Town, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Ambika @ Kanchan, W/o Shivansh Srivastava @ Bhutkun, D/o
Ramapati Prasad Singh, Resident of Mohalla- Balughat, Road No.- 3, Ward
No.- 17, P.S.- Town, District- Muzaffarpur, at present Resident of Mohalla-
Motijheel, Banduk Gali, P.S.- Town, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand

For the Opposite Party/s : Mr. Sri Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 03-08-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case registered
under Section 498A of the Indian Penal Code and ¾ of Dowry
Prohibition Act.

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

Today, a joint affidavit has been filed on behalf of the parties
stating that the matter has already been settled between the parties.
The terms of settlement, mentioned at paragraphs-5, 6 & 7 are as
follows:



“5. That, it is submitted that, the petitioner after payment of Rs. 3,00,000/- (Three lacs) to the O.P. No. 2, undertakes to pay the rest Rs. 10,00,000/- in two installment i.e. within six months from today Rs. 5,00,000/- (five lacs) and another installment of Rs. 5,00,000/ (five lacs) within six months thereafter i.e. in one year the petitioner will pay the total amount Rs. 10,000,00/- to the O.P. No. 2, because the petitioner is only earning member of his family and his mother is suffering from different ailments.

6. That the petitioner/accused had deposited the amount Rs. 2,00,000/- (two lacs) as a draft in connection with Maintenance Case No. 255 of 2016 before Principal Judge, Family Court, Muzaffarpur, which validity has been expired, the petitioner will release the said draft from the court below and by making another draft of Rs. 2,00,000/- in the name of O.P. No. 2, within fortnight and will deposit the draft before learned S.D.J.M., East, Muzaffarpur in Complain Case No. 1798 of 2016, at the time of furnishing bail bond, and same may be released in favour of O.P. No. 2/complainant.

7. That, in view of the undertaking by the petitioner to pay the rest amount in two installments, if not paid, the bail bond of the petitioner may be cancelled”.

Considering the fact that the matter has finally been settled between the parties, let the petitioner, 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 Sub



Divisional Judicial Magistrate, East, Muzaffarpur in connection with Complaint Case No. 1798 of 2016, Trial No. 2541 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

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