

Criminal Miscellaneous No.34054 of 2018

Santosh Kumar, Son of Shiv Shankar Sah @ Sheo Shankar Sah, Resident of Village- Pakthavl, P.S.- Teghra, District- Begusarai (Bihar).

.... Petitioner

Versus

1. The State of Bihar.
2. Chandani Kumari, Wife of Santosh Kumar, at present Residing at village- Salempur Titu, P.S.- Teghra, District- Begusarai (Bihar).

.... Opposite Parties

For the Petitioner : Mr. Vinay Kumar Mishra, Advocate.
For the State : Mr. Dr. Indiwar Kumari, A.P.P.
For the O.P. No. 2 : Mr. Kaushal Kumar Singh and Mr. Ashok Kumar, Advocates.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

8 04-10-2018 Learned counsel for the petitioner is permitted to
make necessary correction in the address of the petitioner, in
course of the day.

Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party no.
2.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 498(A) of the IPC and 3/4 of the D. P. Act.

The prosecution story, in brief, is that the informant Chandani Kumari is subjected to torture by the petitioner



(husband) and his family members for fulfilment of dowry demand of cash Five Lacs.

A joint compromise petition has been filed by the parties. The same may be kept on record. As per the joint compromise petition filed by the parties, settlement has been arrived between them. Paragraph nos. 2 to 6 are the terms of settlement:-

- “2. That it has been agreed between the deponents that the petitioner would pay Rs. 3,00,000/- (Three Lakh Only) to the opposite party no. 2 named above for one time settlement and in pursuance thereof, the petitioner has given a cheque of Rs. 2,00,000/- (Two Lakhs) dated 14.08.2018 bearing cheque no. 584108 of UCO Bank, Mansoorchak (Begusarai) Branch signed by Vinod Sah, S/O Satya Narayan Sah of Village-Agapur, Distt-Begusarai, who is brother-in-law of petitioner and for rest Rs. 1,00,000/- (One Lakh) another cheque of Rs. 1,00,000/- (One Lakh) has also been handed over to the O. P. No. 2 dated 28.02.2019 bearing cheque no. 584109 of UCO Bank of Mansoorchak Branch also signed by same Vinod Sah which will be payable to the opposite party no. 2 just after six months from today i.e. any time after 28.02.2019. A photo copy of cheque being are annexed and marked as Annexure-1 to this application.
3. That the deponents will also file compromise petition before court below in Teghra P.S. Case No. 300/17 under Section 498-A of I.P.C. and Section 3/4 of Dowry Prohibition Act pending before C.J.M. Begusarai and also in Maintenance Case No. 16(M)/2015 pending before learned



Principal Judge, Family Court, Begusarai,
after receipt of total amount of Rs.
3,00,000/- (Three Lakhs Only).

4. That it has also been agreed between the parties that the petitioner would return back the trunk of opposite party no. 2 containing some ornaments, clothes and other miscellaneous articles and in pursuance thereof, the same has been given back to opposite party no. 2 on itself on 17.09.2018.
5. That after this settlement neither party have any grievance to each other and apart from the case as mentioned above any application before any other Forum by any party shall be deemed as withdrawn between the parties and after receiving total amount of Rs. 3,00,000/- (Three Lakhs Only) and her trunk of opposite party no. 2 shall have no other grievance against petitioner and the opposite party no. 2 would be ready for any step taken by petitioner for final legal separation and shall have no hesitation after receiving the total amount as mentioned above.
6. That the brother-in-law of petitioner, namely, Vinod Sah, who has signed the cheque is also as a witnesses to this affidavit and compromise and in case of any default of payment this compromise would fail and the petitioner and cheque given will have to face legal consequences.”

Considering the fact that the matter has already been settled between the parties, let the petitioner above named, in the event of arrest or 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 the learned C.J.M. Begusarai, in connection with Teghra P.S. Case No. 300 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

