

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14597 of 2019

Arising Out of PS. Case No.-1149 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Manish Kumar Dubey, Son of Srinath Dubey Resident of Village -
Lakhandihra P.O. and P.S.- Dumaron, District - Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Subha, Wife of Manish Kumar Dubey, D/o Dr. Shivji Mishra, R/o Mohalla-
North Sri Krishanauri, Flat No. 21, Divyakanti Mension P.S. Sri
Krishnapuri, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey
For the Opposite Party/s : Mr.Anant Kumar 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 03-07-2019 Heard learned counsel for the petitioner, learned

counsel for the complainant-opposite party no. 2 and learned

APP for the State.

The petitioner and the complainant-opposite party no.
2 are present in Court.

The petitioner, being the husband of the complainant,
is apprehending his arrest in a complaint case, wherein process
has been directed to be issued after cognizance being taken for
the offences punishable under Section 498A of the Indian Penal
Code and Section 4 of Dowry Prohibition Act.

The prosecution case, as per the complainant, is that
the complainant was married with the petitioner in 2009.



Subsequently, they were blessed with a male child. Thereafter, further dowry demand was made and due to non-fulfillment of the same, torture was inflicted by the petitioner and other in-law family members of the complainant. Attempt on the life of the complainant was made earlier, when complaint was made in Dwarika police station but the issue was reconciled between the parties. Since December 2015 the complainant is residing with her parents.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a male child, who is, at present, residing with the complainant. However, the issue could not be resolved between the parties even during mediation and hence, both sides have decided to part ways by getting the marriage dissolved with mutual consent on payment of one time settlement amount of Rs.11,00,000/- (Eleven lacs) by the petitioner to the complainant through bank draft. The complainant is also ready to file appropriate application before the concerned court in the present complaint case to the effect that the issue has been reconciled and she does not want to pursue the complaint case.

Mr. Kaushal Jha, learned counsel for the complainant concedes to the submission made by the learned counsel for the



petitioner with regard to agreement between the petitioner and complainant to part ways on payment of one time settlement amount of Rupees Eleven Lakhs. However, it is jointly submitted that both sides will abide by the terms of the mode and period of payment. A joint affidavited petition to that effect will be filed before the learned Principal Judge, Family Court, Patna as well as learned SDJM, Patna.

Considering the fact that the marriage between the petitioner and complainant and birth of a male child are not in dispute. Apart from the above facts, this Court vide order dated 11.04.2019, on the joint prayer of the parties, had referred the matter to the Mediation and Reconciliation Centre of Patna High Court. The report of the Mediator dated 26.06.2019 at Flag 'X' reflects that the issue could not be resolved through the process of the mediation but in view of the present agreed stand of the parties, let the above named petitioner be released on anticipatory bail provisionally for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, 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, Patna in connection with Complaint Case No.



1149(C) of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Both petitioner and complainant agree to file petition under Section 13B of the Hindu Marriage Act for dissolution of marriage with consent before the Court of learned Principal Judge, Family Court, Patna by 29th of July, 2019 and thereafter the petitioner and the complainant will not default in appearance. It is expected from learned Principal Judge, Family Court, Patna to dispose of the matrimonial suit expeditiously, if so filed. Out of agreed one time settlement amount of Rs.11,00,000/-, Rs.2,00,000/- will be paid through bank draft in favour of the complainant by submitting the same before the learned Sub-divisional Judicial Magistrate, Patna at the time of execution of bail bond and the same will be released by the learned SDJM, Patna in favour of the complainant. The balance amount of Rs.9,00,000/- will be paid through bank draft in four equal installments by submitting the same before the learned Principal Judge, Family Court, Patna and the same will be released in favour of the complainant by learned Principal Judge, Family Court, Patna. The complainant will file appropriate application before the learned SDJM, Patna with regard to resolution of the issue, within 15 days of filing of



matrimonial suit under Section 13B of the Hindu Marriage

The provisional bail of the petitioner will be confirmed by the learned SDJM, Patna after the disposal of matrimonial suit by learned Principal Judge, Family Court, Patna.

(Dinesh Kumar Singh, J)

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