

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17264 of 2019

Arising Out of PS. Case No.-794 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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SANTOSH KUMAR SINGH @ MRITUNJAY KUMAR SINGH Son of
Shailendra Kumar Singh, Resident of Village-Jitbarpur Chowk Par, P.S-
Jitbarpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari, Wife of Santosh Kumar Singh @ Mritunjay Kumar Singh D/o
Satyendra Kumar Singh, Resident of Village-Jitbarpur Chowk Par, P.S-
Jitbarpur, District-Samastipur. At present resident of Village-Bihari Bigha,
P.S-Pandarak, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar Singh
For the Opposite Party/s : Mr.Indra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-05-2019 Heard learned counsels for the petitioner and the

State.

The petitioner, being the husband of the complainant,

is apprehending arrest in a complaint case wherein process has

been directed to be issued after cognizance being taken for the

offences punishable under Sections 498A of the Indian Penal

Code and Section 3/4 of the Dowry Prohibition Act.

The prosecution case as per the complainant is that

the complainant was married with the petitioner on 03.07.2017,

but subsequent to the marriage, there was further dowry demand

of Rupees One Lac and due to non-fulfillment of the same,

torture was inflicted upon the complainant. Ultimately on



15.08.2017, the complainant was driven out from the matrimonial house after snatching all her belongings.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and both sides have resolved the issue in terms of parting ways on payment of one time settlement amount of Rs.1,20,000/- by the petitioner to the complainant along with two gold rings.

Though a compromise petition to that effect has been filed before the learned Court below on 19.09.2018, as contained in Annexure-3 to the petition, but in the said petition, it has not been stipulated that both sides also agree to file a matrimonial suit under Section 13B of the Hindu Marriage Act for dissolution of marriage between the petitioner and the complainant.

However, learned counsel for the petitioner submits that both sides also agree to file a matrimonial suit under Section 13B of the Hindu Marriage Act, before the learned Principal Judge, Family Court, Patna for decree of divorce on dissolution of marriage.

Learned counsel for the complainant is not disputing the contention advanced by learned counsel for the petitioner and in this background, the complainant is not opposing the



prayer for bail of the petitioner.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Barh, Patna, in connection with Complaint Case No.794C of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bond of the petitioner will be accepted by the learned Court below on submission of bank draft of Rs.1,20,000/- by the petitioner in favour of the complainant along with a proof showing return of two gold rings to the complainant on affidavit. The said draft on being deposited will be released in favour of the complainant by the learned Court below.

However, both sides will be at liberty to file appropriate application before the learned Court below, in case of any violation of the terms of compromise, entered into between the parties.

(Dinesh Kumar Singh, J)

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