

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7967 of 2019

Arising Out of PS. Case No.-400 Year-2017 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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Sunil Kumar Son of Kedar Prasad Singh Resident of Village - Bhorambag
P.S. Kauakol District Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar and Anr Bihar
2. Sangeeta Kumari Daughter of Subhash Prasad Resident of Village -
Jamalpur Bigha P.S. Sheikhpura District Sheikhpura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar
For the Opposite Party/s : Mr.Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 08-05-2019 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, 323,504 of the Indian

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

The prosecution case as per the complaint petition is

that the marriage of the complainant Sangeeta Kumari was

performed with the petitioner on 11.07.2016, but subsequent to

the marriage, further dowry demand of Rs.1,50,000/- was made

and due to non-fulfillment of the same, torture was inflicted



upon the complainant. Ultimately, on 19.09.2017, 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 having no issue.

This Court vide order dated 13.02.2019, on joint prayer of the parties, referred the matter to the Mediation and Reconciliation Centre of the Patna High Court. The report of the Mediator dated 06.05.2019, kept at 'Flag-B' reflects that the issue has been resolved between the parties through the process of mediation, in terms of parting ways on payment of one time settlement amount of Rs.4,00,000/- (Rupees Four Lacs). An agreement to that effect has also been entered into between the parties, which stipulates that Rs.50,000/-, as first installment, has already been paid to the complainant out of the total agreed amount of Rs.4,00,000/- and rest Rs.3,50,000/- will be paid by 06.09.2019.

Learned counsel for the complainant does not controvert the agreement arrived at between the parties before the mediator. However, the complainant is apprehensive that the payment as per the agreement will be made by the petitioner



within the stipulated time. But in the background of agreement reached at, she is not opposing the prayer for bail of the petitioner.

Considering the fact that the issue has been resolved between the parties through the process of mediation on the terms of payment of one time settlement amount of Rs.4,00,000/- and in that background the complainant is not opposing the prayer for bail of the petitioner, let the above named petitioner be released on anticipatory bail provisionally till 30th of September, 2019, 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, Sheikhpura, in connection with Complaint Case No. 400 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional anticipatory bail of the petitioner will be confirmed by learned Court below on deposit of bank draft of Rs.3,50,000/- before the learned Court below, which will be released in favour of the complainant by the learned Court below.

Let a copy of the agreement, arrived at, between the



parties, before the Mediator, be also transmitted to the learned Court below in order to facilitate the filing of appropriate application in criminal cases filed against each other in view of the fact that the issue has been reconciled between the parties.

(Dinesh Kumar Singh, J)

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