

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70171 of 2018

Arising Out of PS. Case No.-5002 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Most. Anita Barnawal and Ors Wife of Late Krishna Kumar Lal, resident of Village Garhara P.S.- Garhara District- Begusarai. At present resident of Flat No. E-9/503, L and T, Housing Colony, Magdalla, Dumas Road, Surat-395007, Gujrat.
 2. Mr. Aditya Raj, Son of Late Krishna Kumar Lal, Resident of Village Garhara P.S. Garhara District Begusarai.
 3. Mr. Ritik Alok, Son of Late Krishna Kumar Lal, Resident of Village-Garhara, P.S.- Garhara, District- Begusarai. At present working in Bank of India Zonal Office, P.S.- Ratnagiri, District- Ratnagiri- 415615, Maharastra.
 4. Mr. Sujeet Kumar Baranwal alias Sujit Kumar, Son of Lakhan Lal, Resident of Village City Max, 4th Floor, Chhabra Complex, Jhanda Chowk, Jhumri Tilaiya- 825409.
 5. Mrs. Rashmi Priya alias Pinky Barnwal, Wife of Sujeet Kumar Barnwal, Resident of Village City Max, 4th Floor Chhabra Complex, Jhanda Chowk Jhumri Tilaiya- 825409.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Rimjhim Priya Complainant, Wife of Mr. Ansuman D/o Vijay Kumar, resident of Flat No. 404, Prey Krishna Kutir Naya Tola, Bari Path, P.S. Pirbahore Town District- Patna.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71480 of 2018

Arising Out of PS. Case No.-5002 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

Mr. Ansuman Son of Late Krishna Kumar Lal, Resident of village Garhara P.S. Garhara, District Begusarai, At present Resident of Flat No. E-9/503, L And T. Housing Colony, Magdalla, Dumao Road, Surat- 395007, Gujrat.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Rimjhim Priya Complainant, Wife of Mr. Ansuman (Petitioner), D/o Vijay Kumar, Resident of Flat No. 404, Prey Krishna Kutir Naya Tola, Bari Path, P.S. Pirbahore, Town District- Patna.

... .. Opposite Party/s



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Appearance :

(In CRIMINAL MISCELLANEOUS No. 70171 of 2018)

For the Petitioner/s : Mr.Binod Kumar Bariar

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

(In CRIMINAL MISCELLANEOUS No. 71480 of 2018)

For the Petitioner/s : Mr.Binod Kumar Bariar

For the Opposite Party/s : Mr.Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 15-05-2019 Heard learned counsels for the parties.

The petitioners being mother, brothers, brothers-in-law, sister of the husband of the complainant and the husband of the complainant are 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 and 354 of the IPC and Section 4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition is to the effect that the marriage between the petitioner, Ansuman and the complainant, Rimjhim Priya was performed on 22.1.2017, but subsequent to the marriage during Honeymoon trip the complainant realized that her husband is impotent. Thereafter, medical advice was taken but the relationship between the petitioner Ansuman and the complainant turned sour, which resulted into inflicting torture upon the complainant and consequently filing of the present complaint.

It appears that on the joint prayer of the parties, vide order dated 6.12.2018, the matter was referred to mediation. The



report of the Mediator dated 27.2.2019 at Flag B reflects that both sides have decided to get their marriage dissolved by filing joint petition for divorce under Section 13(B) of the Hindu Marriage Act. The petitioner Ansuman agreed to make payment of permanent alimony of Rupees Nine Lacs to the complainant in three installments within a period of eight months, out of which learned counsel for the petitioners is handing over a cheque of Rupees Two Lacs to the learned counsel for the complainant to be given to the complainant. Learned counsel for the complainant is expected to acknowledge the same on record. Thereafter, the petitioner Ansuman has agreed to pay rest of the amount of Seven Lacs to the complainant in the manner indicated in the agreement reached between the parties before the Mediator. The terms of agreement reads as follows:

“....1. That the First Party No.1, Anshuman and Second Party Rimjhim Priya, have agreed to dissolve their relationship as husband and wife by filing joint petition for divorce under Section 13(B) of Hindu Marriage Act before learned Family Court, Patna. Both parties shall take all necessary steps in the family court for dissolution of their marriage. The copy of joint divorce petition is enclosed herewith.

2. That the First Party No.1 Anshuman agreed to pay one time permanent alimony of



Rs.9,00,000/- (Rupees Nine lakh only) and Second Party Rimjhim Priya agreed to accept one time permanent alimony of Rs.9,00,000/- (Rupees Nine lakh only). Neither party shall not claim any maintenance from each other in future.

3. That the aforesaid permanent alimony of 9,00,000/- (Rupees Nine lakh only) is paid through Chque/Demand Drafts/R.T.G.S within the period of eight months in following manners:-

4. That 1st party No.1, Anshuman shall be at liberty to make payment of aforesaid amount to Rimjhim Priya's A/C No.68012557418, MCR. Code-800014001, IFSC Code-MAHB0000701, Bank of Maharastra, Patna through R.T.G.S. The withdrawal of Complaint Case No.5002/17 and passing of Decree of Divorce shall be subject to realisation of total amount of Rs.9,00,000/- (Rupees Nine Lac only).

5. That the both parties have settle their dispute regarding gifts given by them to either partiesor/person during the course of their marriage.

6. That both parties shall not claim any right, title and interest in person or any property of each other after this agreement.

7. That both parties have agreed to withdraw all allegations levelled against each other in Matrimonial Case No.161 of 2018 pending in the Family Court, Patna, Bihar and a Family Suit No.836 of 2017, pending in the court of Family



Court, Surat, Gujarat.

8. That the Second Party agreed to withdraw allegations levelled against the First Party and others in the Complainant Case No.5002 of 2017 under Section-498/354 IPC Section 4, dowry Prohibition Act are ready willing to take all necessary steps for withdrawal/quashing of said case.

9. That the First Party No.4 Ritik Alok and others agreed to withdraw allegations levelled against the Second Party and others in the NCR.No.0413 of 2018 under Section-507 IPC are ready and willing to take all necessary steps for withdrawal/quashing of said case.

10. That both parties have agreed to withdraw all cases (Civil of Criminal) whether within the knowledge of other parties.

11. That it is agreed between the parties that no party himself/herself or otherwise shall interfere in the life of other during the pendency of divorce proceeding or after the decree of divorce.

12. That any party shall not breach the contract/agreement/settlement and all parties undertake to abide by the said contract/agreement/settlement.”

Learned counsel for the complainant does not dispute the factum of compromise between the parties and hence, he is not opposing the prayer of the petitioners for anticipatory bail.



Considering the present stand of the parties, let the petitioner Ansuman of Cr. Misc. No. 71480 of 2018 be released on provisional anticipatory bail for six months in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Patna in connection with Complaint Case No. 5002 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The provisional anticipatory bail of the petitioner Ansuman will be confirmed by the learned Court below on payment of remaining due amount of permanent alimony of Rupees Seven Lacs to the complainant. It is expected from the petitioner Ansuman to make payment of rest of the alimony amount by submitting cheque or Bank Draft before the learned Principal Judge, Family Court, Patna which will be released in favour of the complainant.

Considering the aforesaid facts, let the petitioners of Cr. Misc. No. 70171 of 2018 be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Patna in connection with the aforementioned



complaint case subject to the conditions laid down in Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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