

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60956 of 2018**

Arising Out of PS. Case No.-1027 Year-2017 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Ranjit Choudhary, S/o Kailash Choudhary, Resident of Village- Nad, P.S.-
Sirdalla, District- Nawada.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Paro Devi @ Parwati Devi, D/o Late Suresh Choudhary, Resident of
Village- Dhamni, P.s.- Rajauli, District- Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad
For the Opposite Party/s : Mr. Shyam Bihari Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

7 28-03-2019 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 Section 498A of the IPC and Section 4 of the Dowry Prohibition Act.

The prosecution case, as per the complaint petition is that the marriage of the complainant was performed with the petitioner in the year 2010 and subsequently, they were blessed



with two children. Thereafter, there was further dowry demand of Rs.50,000/- and due to non-fulfillment of the same, torture was inflicted by the petitioner and other in-laws family members of the complainant and ultimately on 18.09.2017, the complainant was driven out from the matrimonial house after snatching all her belongings.

Learned counsel for the petitioner submits that despite the best effort during the process of mediation, the issue could not be resolved between the parties. It is further submitted that the petitioner admits his marriage with the complainant and birth of two children, but they have decided to part ways on the terms of payment of Rs.1,25,000/- as one time settlement amount. It is further submitted that a joint supplementary affidavit to that effect has been filed on behalf of both parties dated 28.03.2019. The relevant portion stipulated in paragraph nos. 4 to 7 read as follows:-

“4.That as per agreement for one time settlement the petitioner (husband) is ready to pay opposite party no.2 (wife) Rs. One lac twenty Five Thousand only (Rs.1,25,000) which is acceptable to the opposite party no.2.

5.That it is submitted that as per agreement after the payment of Rs. One Lac Twenty Five Thousand only (Rs.1,25,000/-) to opposite party no.2 as one time settlement both parties will file



compromise petition to withdraw the aforesaid case.

6. That it is submitted that after receipt of the payment of Rs. One Lac Twenty Five Thousand only by O.P.No.2 from petitioner both parties do not make any further claim upon each other in future.

7. That it is submitted that after the aforesaid settlement both parties will be free to live separately to each other.”

Learned counsel for the complainant does not dispute the contention of the joint affidavit, but he submits that maintenance amount should be paid within a period of three months in three equal installments and the application for dissolution of marriage should be filed after the payment of final settlement.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for three months in the event of arrest/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 like amount each to the satisfaction of learned **SDJM, Nawada** in connection with **Complaint Case No.1027 of 2017** subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The provisional bail of the petitioner will be



confirmed by the learned Court below if the petitioner submits a draft of Rs.1,25,000/- within a period of three months before the learned Court below, which will be released in favour of the complainant by the learned Court below.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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