

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62326 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- MAHILA PS District- Jamui

SONU KUMAR @ SONU PANDIT Son of Shankar Pandit Resident of
Village - Kewal Gugudih, P.S.- Gidhour, Distt - Jamui.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Tuni Devi Wife of Sonu Pandit, D/o Yamuna Pandit Resident of Village -
Garhi, P.S.- Khaira, Distt - Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kartik Kumar Sinha
For the Opposite Party/s	:	Mr.Asha Kumari, APP
For the Informant	:	Mr. Prabhat Ranjan Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Kartik Kumar Sinha, the learned counsel for the petitioner and Shri Prabhat Ranjan Singh, the learned counsel for the informant as also Mrs. Asha Kumari, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Jamui Mahila P.S. Case No. 15 of 2019, for the offence punishable under Sections 498(A)/494/379/34 of the Indian Penal Code and sections 3/4 of the Dowry Prohibition Act.

The case of the prosecution in brief is that the



marriage of the informant was solemnized with the petitioner in the year 2017, whereafter she had gone to her in-laws' place, however, subsequently the petitioner and other co-accused persons started demanding a sum of Rs. 2 lacs, TV freeze etc. and on account of non-fulfilment of demand for dowry, the informant was assaulted and ousted from her matrimonial home and, in fact, the petitioner is alleged to have also performed second marriage, thereafter.

The present case was sent for mediation, however, the mediation has failed but the learned Mediator, in his report dated 29.01.2020, has mentioned that though the petitioner was/ is ready to give a sum of Rs. One lakh by way of one time settlement, but the opposite party no.2 (wife) is demanding a sum of Rs. 2 lakh.

At this juncture, the learned counsel for the petitioner has offered to pay a sum of Rs. 2 lakh to his wife i.e. the Opposite Party no. 2 in full and final settlement of the matrimonial dispute in question, however, he submits that some instalments may be fixed.

Per contra, the learned counsel for the informant submits that though the informant/ opposite party no.2 has got no objection regarding payment of a sum of Rs. 2 lakh, but the



petitioner be put to strict terms so that he does not default in making payment of the said amount of Rs. 2 lakh.

The learned A.P.P. appearing for the State has also vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case the present petition is disposed of with the consent of the parties, in the following terms:-

(i) The petitioner shall surrender before the learned court of S.D.J.M., Jamui in connection with Jamui Mahila P.S. Case No. 15 of 2019 within a period of two weeks from today and produce a draft of Rs. 50,000/- (fifty thousand) in favour of his wife namely Tuni Devi, whereupon the learned court below shall grant provisional bail to the petitioner herein, subject to such conditions as may deem fit and proper to be imposed,

(ii) The petitioner shall also furnish an undertaking before the learned court below that he would pay the balance sum of Rs. 1,50,000/- (One lakh fifty thousand) in three quarterly instalments i.e. to mean that he shall pay the balance of Rs. 1,50,000/- within a period of nine months from the



date of payment of Rs. 50,000/-, upon his surrender before the learned court below,

(iii) It is also directed that the learned court below shall confirm the provisional bail of the petitioner, immediately after payment of a sum of Rs. 2 lakh,

(iv) It is made clear that in case of default in making payment of any instalment, as prescribed herein above, the provisional bail, to be extended to the petitioner, shall be cancelled by the learned court below and the learned court below would ensure that the petitioner is taken into custody.

(v) It is needless to state that no coercive steps shall be taken against the petitioner herein in connection with Jamui Mahila P.S. Case No. 15 of 2019 for a period of six weeks from today in order to enable the petitioner to prepare a draft of Rs. 50,000/- and surrender before the learned court below.

(vi) It is further clarified that in case the petitioner fails to surrender before the learned



court below within a period of six weeks from today, he would be liable to be arrested forthwith and put behind the bars.

The petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

Tiwary/-

U		T	
---	--	---	--

