

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66083 of 2019

Arising Out of PS. Case No.-51 Year-2019 Thana- MAHILA P.S. District- Patna

Barun Singh , aged about 35 years, (Male), S/O- Ravindra Singh , Resident
of Village - Kajhwan, Police Station- Obra, District- Aurangabad, State- Bihar
... .. Petitioner/s

Versus

1. The State Of Bihar
2. Reena Singh, W/O- Barun Singh, D/O - Sri Kumar Nitya Nand Singh,
Present address - Surya Triveni Apartment, New Patliputra Colony, P.O. &
P.S.- Patliputra, Town & District- Patna-14

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Opposite Party/s : Mr. Prabhas Ranjan Thakur

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 06-03-2020 Heard Mr. Anil Kumar Singh, learned counsel for the

petitioner and Mr. Prabhas Ranjan Thakur, learned counsel

appearing for the informant.

The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 51 of 2019, registered for the offence
punishable under Sections 341/323/498A/313/315/504/506/34
of the Indian Penal Code, 1860 and Section 3/4 of the D.P. Act.

The allegation against the petitioner as per the First
Information Report is that the informant -Opposite Party No. 2
was married to the petitioner on 15.02.2016 and started living
with her husband at Hyderabad. It has further been alleged that
after some time of the marriage the petitioner started demanding
Rs. 5 lakhs from the informant as dowry and due to non -
fulfillment of the demands of the petitioner and the in- laws of
the informant, the petitioner repeatedly tortured the informant
physically as well as mentally.

Mr. Anil Kumar Singh, learned counsel appearing for



the petitioner submits there is marriage discord between the parties and petitioner has filed a petition under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for restitution of conjugal rights. Learned counsel further submits that however, the informant has lodged three cases including the present F.I.R. against the petitioner, bearing Complaint Case No. 06 of 2020 filed under the Domestic Violence Act, Maintenance Case No. 26 of 2020 and Complaint Case No. 800 of 2019 filed under Sections 341, 323, 498, 313, 315, 504, 506/34 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act. Learned counsel further submits that the petitioner is ready and willing to get the matter settled with the informant finally and want to separate with the informant once and for all, for which, the petitioner offers a sum of Rs. 7 lakhs to the informant by way of final settlement and permanent alimony.

On the other hand, Mr. Prabhas Ranjan Thakur, learned counsel appearing for the informant submits that the informant was being tortured by the petitioner continuously. However, taking into consideration the offer made by the petitioner, the informant is also ready and willing to part ways with the petitioner and ready to accept the sum of Rs. 7 lakhs as



full and final settlement towards the separation of marriage between the parties. Learned counsel for the informant-Opposite Party No. 2 further submits that after the final settlement between the parties, all the cases pending between the parties shall be withdrawn.

Having heard learned counsel for the parties and taking into consideration the fact that the offer made by the petitioner has readily been accepted by the informant, I am inclined to grant anticipatory bail to the petitioner subject to the condition that he will pay a sum of Rs. 7 lakhs to the informant as a condition of bail and by way of permanent settlement within a period of three months positively in the bank account of the informant having A/c No. 30067493653, IFSC Code-SBIN0002132. It has also been agreed between the parties that in view of the settlement both the parties will file a joint petition under Section 13(b) of the Hindu Marriage Act for dissolution of their marriage on the basis of mutual consent. Petition for divorce on the ground of mutual consent shall be filed by both the parties after payment and receipt of the sum of Rs. 7 lakhs by the informant. It is made clear that if such petition is filed by the parties, the learned court below will take immediate steps for disposal of the petition under Section 13(b) of the Act in



accordance with law.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class, Patna in connection with Mahila P.S. Case No. 51 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure, 1973 and subject to further condition that if the petitioner does not fulfill the conditions of bail as stipulated in this order, the informant shall be at liberty to move an appropriate application for cancellation of bail in accordance with law before the appropriate court.

(Anil Kumar Sinha, J)

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