

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78149 of 2019

Arising Out of Complaint Case No.-3145 Year-2018 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Rakesh Kumar, aged about 27 years, Male, Son of Suresh Singh, Resident of Village- Patedha Jay Ram Uttari, P.O. - Patedha Belsar, P.S. Belsar (O.P.), (Vaishali), District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anshu Priya, aged about 20 years, Female Wife of Rakesh Kumar, Resident of Village – Patedha, Jay Ram Uttari, P.O.- Patedha Belsar, P.S. Belsar (O.P.), Vaishali, District- Vaishali. At present:- Daughter of Bipin Kumar, Resident of Village-Chakramdas, District+Vaishali-844128.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Pratima Kumari, Advocate
For the State	:	Mr. Yogendra Kumar, APP
For the Opposite Party No. 2	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 25-11-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Ms. Pratima Kumari, learned counsel for the petitioner; Mr. Yogendra Kumar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Sanjay Kumar, learned counsel for the opposite party no. 2.

3. The petitioner apprehends arrest in connection with Complaint Case No. 3145 of 2018 dated 16.11.2018, instituted



under Sections 498A, 406/34 of the Indian Penal Code and 4 of the Dowry Prohibition Act.

4. The opposite party no. 2 is the wife of the petitioner and has filed the case alleging demand of motorcycle and cash and also of assault and turning her out of the matrimonial home. Earlier, the matter was referred to Mediation and a report has been submitted by the learned Mediator stating that the parties have compromised the matter in terms whereof Rs. 3,75,000/- has been agreed to be paid by the petitioner to the opposite party no. 2.

5. Today, it is not in dispute that the draft of Rs. 3,75,000/- in favour of the opposite party no. 2 has been given by the petitioner and the opposite party no. 2 has also received the same.

6. In view thereof, as the parties have settled the matter among themselves, the Court finds that the petitioner is entitled to relief in the present application.

7. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Vaishali at Hajipur in



Complaint Case No. 3145 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

8. It goes without saying that the opposite party no. 2 shall take necessary steps which may be required in law for ensuring that criminal case filed by her is brought to an end and the issue is finally closed. The Court would only observe that the opposite party no. 2 shall bring on record the report of the learned Mediator before the Court below and shall also file a petition that the matter having been settled, she has no grievance against the petitioner.

9. Let the same be done within one month from today. Upon doing so, the Court below, after recording the statement of the parties, shall pass appropriate orders, in accordance with law.

10. The application stands allowed in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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