

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36722 of 2021

Arising Out of PS. Case No.-485 Year-2020 Thana- PHULWARISHARIF District- Patna

Kunj Bihari Singh @ Kunj Bihari Son Of Brahma Singh Resident Of Village-
Narharpur, P.S.- Marhowrah, District- Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 12-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 498(A), 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusations are of torture for non-fulfillment dowry demand and ousting the informant from her matrimonial house.

It is submitted by learned counsel for the petitioner that petitioner is husband of the informant and he made several attempts to resume the conjugal life



with the informant but the informant herself did not want to live with the petitioner. The informant is a quarrelsome lady and during her short stay in her matrimonial house, she always used to threaten her in-laws to commit suicide. The allegation of demand of dowry is false and concocted. The petitioner has also filed Divorce Case No. 484 of 2020 for dissolution of marriage.

It appears that vide order 21.03.2022 notices were issued to the O.P. No 2. However, in spite of valid service of notice, none is appearing on behalf of the informant.

A supplementary affidavit has been filed on behalf of the petitioner to the effect that both the parties have mutually made an attempt settled the dispute and an application to that effect has been filed before learned Court of Principal Judge, Family Court, Patna on 06.05.2022 under Section 13(B) of the Hindu Marriage Act vide Matrimonial Case No. 571 of 2022 seeking



dissolution of marriage with consent of both the parties. The petitioner agreed to pay Rs. 12 lakhs as permanent alimony to the informant and the informant also agreed for the same. On the same very day, i.e. 06.05.2022 itself, the petitioner made part payment of Rs. 6 lakhs to the informant through demand draft No. 489934 dated 04.05.2022. Both the parties also agreed to withdraw their respective cases filed against each other. The next date of hearing in the Court below has been fixed on 18.01.2023.

Considering the fact that both the parties have mutually made an attempt to settle their disputes through permanent alimony, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-cum-Additional Chief Judicial Magistrate, IXth,



Patna in connection with Phulwari Sharif P.S. Case No. 485 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner will be accepted by the learned Court below after verifying the fact that both sides have mutually made an attempt to settle their disputes and petitioner has made part payment of Rs. 6 lakhs to the informant.

(Sunil Kumar Panwar, J)

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