

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8501 of 2023

Arising Out of PS. Case No.-64 Year-2022 Thana- MAHILA P.S. District- Bhojpur

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PRAKASH SINGH Son of Krishnandan Singh Resident of Village- Barnao,
P.S.- Aayar, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ruchi Kumari D/O Sanjiv Ranjan Resident of Village- Ranipur, P.S.-
Paliganj, District- Patna. At present c/o Ram Binod Singh, Saristabad,
Rajputana, P.S.- Gardnibagh, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Mr. Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 9 13-12-2023
1. Heard learned counsel for the petitioner, learned counsel
for the opposite party no. 2 and learned Additional Public
Prosecutor for the State.
 2. The petitioner apprehends his arrest in connection with
Bhojpur Mahila Police Station Case No. 64 of 2022,
registered for the offences under Sections
341/323/504/506/307/498(A)/34 of the Indian Penal Code
and Section 3/4 of the Dowry Prohibition Act
 3. The petitioner is husband of the opposite party no. 2.
 4. The allegation, as per the First Information Report,
against the petitioner is that he demanded dowry and
tortured the informant-opposite party no. 2 physically and



mentally due to non-fulfillment of the demand of dowry.

5. The matter was referred for mediation, however, the mediation failed. When the matter was called out and heard, this Court explored the possibility of amicable settlement between the parties. The opposite party no. 2 was present in-person with her father in the Court during the hearing.
6. Learned counsel for the petitioner submits that the petitioner is ready to settle the matter amicably and for final settlement, he is ready to pay a total sum of Rs. 6,00,000/- to the informant-opposite party no. 2 in six equal installments. After payment of the full amount, both the parties will separate themselves from the obligations of marriage and shall file divorce case for dissolution of marriage on the ground of mutual consent.
7. Learned counsel further submits that all the articles/gifts, given to the petitioner in marriage, including the motorcycle, have already been returned by the petitioner to the opposite party no. 2 and to her family members.
8. Mr. Rajesh Kumar, learned counsel appearing for the opposite party no. 2, agrees to the proposal of the petitioner for final settlement for a total sum of Rs.



6,00,000/-. He also admits that all the articles/gifts, including the motorcycle, have already been returned by the petitioner.

9. Having heard learned counsel for the parties concerned and taking into consideration the final settlement arrived at between the husband and wife, I am inclined to grant provisional bail to the petitioner.
10. Let the petitioner, above named, in the event of his arrest/surrender before the learned Court below within a period of six weeks from today, be released on provisional bail, upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two surities of like amount, each, to the satisfaction of learned Sub Divisional Judicial Magistrate, Bhojpur at Ara, in connection with Bhojpur Mahila Police Station Case No. 64 of 2022, subject to the further conditions (i) that the petitioner shall deposit a total sum of Rs. 6,00,000/-, in six equal installments, in the bank account of the father of the opposite party no. 2, namely, Sanjeev Ranjan Singh, bearing account no. 2920000100119207 of the Punjab National Bank, having IFSC Code No. PUNB0292000. (ii) First installment of Rs. 1,00,000/- shall be deposited by the petitioner in the



bank account of the father of the opposite party no. 2 within a period of four weeks from today and rest five installments shall be transferred/deposited in the aforesaid bank account every month within a period of five month from the date of payment of the first installment. (iii) The present First Information Report shall not be pursued by the opposite party no. 2 after payment of the entire amount by the petitioner.

11. The payment proof/receipt of the first installment of Rs. 1,00,000/- shall be produced by the petitioner at the time of furnishing bail bond. If the petitioner fails to abide by his undertaking and does not pay any of the installment to the opposite party no. 2, she will be at liberty to file appropriate application for cancellation of bail.
12. The learned District Court shall confirm the provisional bail granted to the petitioner, after payment of the entire settlement amount of Rs. 6,00,000/- to the opposite party no. 2.
13. It is made clear that both the parties shall file a divorce case for dissolution of marriage on mutual consent before the concerned Family Court. Both the parties have agreed that the process for seeking dissolution of marriage, on



mutual consent, shall be initiated after the payment of
first installment of Rs. 1,00,000/- by the petitioner

14. With aforesaid observation and direction, this application
is disposed.

(Anil Kumar Sinha, J)

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