

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11884 of 2023

Arising Out of PS. Case No.-28 Year-2021 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. GUDDU KUMAR SINGH @ GUDDU KUMAR SON OF MAHESHWARI PRASAD SINGH R/O VILLAGE- LOUWA LAGAM, P.S.- CHOUSA, DISTRICT- MADHEPURA
 2. MUKESH KUMAR SINGH @ MUKESH KUMAR SON OF MAHESHWARI PRASAD SINGH R/O VILLAGE- LOUWA LAGAM, P.S.- CHOUSA, DISTRICT- MADHEPURA
 3. PANKAJ KUMAR SINGH @ PANKAJ KUMAR SON OF MAHESHWARI PRASAD SINGH R/O VILLAGE- LOUWA LAGAM, P.S.- CHOUSA, DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHANTI KUMARI WIFE OF GUDDU KUMAR SINGH @ GUDDU KUMAR R/O VILLAGE- JAMALDIPUR, P.S.- KHARIK, DISTRICT- BHAGALPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Opposite Party/s : Mr. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 13-12-2023 1. Heard learned counsel for the petitioners, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.
2. The petitioners apprehends their arrest in connection with Complaint Case No. 28 of 2021, registered for the offences under Sections 341/323/504/506/498(A)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act
3. The petitioner no. 1 is husband of the opposite party no.



2.

4. As per the Complaint Case, the opposite party no. 2-wife got married to the petitioner no. 1 on 11.07.2019. It has been alleged that the petitioners 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.
6. Learned counsel for the petitioners submits that the petitioners are ready to settle the matter amicably and for final settlement, they are ready to pay a total sum of Rs. 4,00,000/- to the informant-opposite party no. 2 in six equal installments. After payment of the full amount, both the husband and wife will separate themselves from the obligations of marriage and shall file divorce case for dissolution of marriage on the ground of mutual consent. He further submits that the petitioner nos. 2 and 3 are brothers of petitioner no. 1, who have falsely been implicated in this case and no specific allegation is there against them.



7. Learned counsel appearing for the opposite party no. 2, agrees to the proposal of the petitioners for final settlement for a total sum of Rs. 4,00,000/-.
8. Having heard learned counsel for the parties concerned and taking into consideration the final settlement arrived at by the parties, I am incline to grant provisional bail to the petitioners.
9. Let the petitioners, above named, in the event of their 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, Naugachia, Bhagalpur, in connection with Complaint Case No. 28 of 2021, subject to the conditions (i) that the petitioners shall deposit a total sum of Rs. 4,00,000/-, in six equal installments, in the bank account of the opposite party no. 2, namely, Shanti Kumari, bearing bank account no. 3508856293 of the Central Bank of India, having IFSC Code No. CBIN0282011. (ii) First installment of Rs. 66,666.66/- shall be deposited by the petitioners in the bank account 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 complaint case shall not be pursued by the opposite party no. 2 after payment of the entire amount by the petitioners.

10. The payment proof/receipt of the first installment of Rs. 66,666.66/- shall be produced by the petitioners at the time of furnishing bail bond. If the petitioners fail to abide by their undertaking and do 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.
11. The learned District Court shall confirm the provisional bail granted to the petitioners, after payment of the entire settlement amount of Rs. 4,00,000/- to the opposite party no. 2.
12. It is made clear that both the husband and wife shall file a divorce case for dissolution of marriage on mutual consent before the concerned Family Court. Both the husband and wife have agreed that the process for seeking



dissolution of marriage, on mutual consent, shall be initiated after the payment of first installment of Rs. 66,666.66/- by the petitioners

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

(Anil Kumar Sinha, J)

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