

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32241 of 2023

Arising Out of PS. Case No.-1116 Year-2021 Thana- COMPLAINT CASE District- Banka

SIKANDAR DAS SON OF NARAYAN DAS R/O Village- Hirantand Post -
Korane Thana- Chandarmandih, Chakai District- Jamui, Bihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MADHURI DEVI D/O NUNESHWAR DAS Village- Guhajaro P.O-
Shimultala, Thana- Chandan, District-Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 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
Complaint Case No. 1116 of 2021, registered for the
offences under Sections 323/379/498(A) 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. As per the Complaint Case, the petitioner got married to
the opposite party no. 2 in the year 2016. The allegation
against the petitioner is that he along with his family
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 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. 75,000/- to the informant-opposite party no. 2 in three 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 appearing for the opposite party no. 2, agrees to the proposal of the petitioner for final settlement for a total sum of Rs. 75,000/-.
8. 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.
9. Let the petitioner, above named, in the event of his



arrest/surrender before the learned Court below within a period of four weeks from today, be released on provisional bail, upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount, each, to the satisfaction of learned Sub Divisional Judicial Magistrate, Banka, in connection with Complaint Case No. 1116 of 2021, subject to the conditions (i) that the petitioner shall deposit a total sum of Rs. 75,000/-, in three installments. (ii) the First installment of Rs. 40,000/- shall be deposited by the petitioner at the time of surrender before the concerned Lower Court within a period of four weeks from today and the rest amount of a sum of Rs. 35,000/- in two equal installments shall be transferred/deposited in the bank account of the opposite party no. 2 every month within a period of two 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 petitioner. (iv) The petitioner will take the details of of the bank account of the opposite party no. 2 from learned counsel for the opposite party no. 2 appearing before the District Court by filing a petition



to this effect before the concerned court.

10. The payment proof/receipt of the first installment of Rs. 40,000/- 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.
11. The learned District Court shall confirm the provisional bail granted to the petitioner, after payment of the entire settlement amount of Rs. 75,000/- to the opposite party no. 2.
12. 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. 40,000/- by the petitioner.
13. With aforesaid observation and direction, this application is disposed.

(Anil Kumar Sinha, J)

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