

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45839 of 2023

Arising Out of PS. Case No.-442 Year-2022 Thana- RUPASPUR District- Patna

Sandeep Choudhary, Son of Sri Bhudeo Choudhary, Resident of House No 85, Sri Krishna Nagarm Road No 13, P.S.- Buddha Colony, District- Patna
... .. Petitioner

Versus

1. The State of Bihar
2. Manjusha Soni, Wife of Sandeep Choudhary, Daughter of- Sri Yamuna Choudhary, Resident of Village- Vednagar, Rukanpura, Opp. Vasudev Jhari Apt. Bailey Road P.S.- Rupaspur, P.O.- B V College, District- Patna
... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Parth Gaurav, Advocate
For the State	:	Ms. Sangeeta Sharma, APP
For the O.P. No. 2	:	Mr. Mohit Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-12-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party no. 2.

2. The petitioner in this case is seeking pre-arrest bail in connection with Rupaspur P.S. Case No. 442 of 2022 registered for the offences punishable under Sections 341, 323, 495, 193, 498A, 506, 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. He has no criminal antecedent.

3. As per the prosecution story, the petitioner was married to the opposite party no. 2-informant on 19.04.2022 at Patna and at the time of marriage, the informant's parents had given Rs.10,00,000/- to the petitioner. After few days of marriage, the petitioner's family used to taunt the informant for not giving KIA Seltos or Sonet Car. It is also alleged that the

petitioner was earlier married with one Nidhi which was not disclosed to the informant before marriage. The informant went back to her house on 19.06.2022 being depressed by the act of the petitioner and his family members.

4. Earlier, the matter was referred to the mediation center attached to this Court where efforts were made to resolve the dispute between the parties.

5. The mediation report available on the record shows that counselling has taken place and there being no chance of restoration of marriage, the parties have decided to enter into one time settlement on certain terms and conditions which are mentioned in the mediation report.

6. Learned counsel for the petitioner has produced a bank draft bearing no. 324929 dated 29.11.2023 for a sum of Rs.1,51,000/- payable to the opposite party no. 2. The bank draft has been drawn on the Bank of Baroda, Buddha Colony, Patna branch.

7. Learned counsel for the opposite party no. 2 accepts the bank draft for and on behalf of the opposite party no. 2. He will hand over the same to opposite party no. 2 by 11th December, 2023 and receipt showing handing over of the bank draft shall be filed in the Registry.

8. It is expected that both the sides shall abide by the compromise terms and shall take appropriate steps to file application seeking divorce with mutual consent. This Court has been informed that an application under Section 13B of the Hindu Marriage Act has already been filed in the court of learned Principal Judge, Family Court, Patna.

9. Learned counsel for the petitioner undertakes on instruction that the petitioner shall appear as and when required in the said case to ensure that the case is not prolonged and kept pending because of the non-appearance.

10. Learned counsel for the opposite party no. 2 undertakes to take steps for withdrawal of Matrimonial Case No. 1085 of 2022 which is pending in the court of learned Additional Principal Judge, Family Court, Patna. The said case shall be withdrawn immediately to facilitate further progress in the application under Section 13B of the Hindu Marriage Act.

11. In view of the developments which have been taken note of hereinabove, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named shall be released on bail in connection with Rupaspur P.S. Case No. 442 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two

sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

12. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

13. And further condition that the petitioner shall abide by each of the obligations contained in the compromise which has been recorded in the mediation report. In case, the petitioner fails to abide by the conditions, it will be open for the opposite party no. 2 to move this Court for an appropriate order.

14. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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