

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41644 of 2022

Arising Out of PS. Case No.-31 Year-2020 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Indra Bhushan Kumar Son of Late Khobhari Sah @ Khobhari Sahu Resident
of the village - Kushahar, P.S.- Mahau, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari Wife of Indra Bhushan Kumar Resident of Kushahar Khas,
P.S.- Mahua, District - Vaishali at present Jyoti Kumari Daughter of Bharat
Sahu, Resident of Raghunandan Pur, P.S.- Bahera, District - Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bijay Bhushan Prasad, Advocate Ms.Usha Kumari Singh, Advocate
For the State	:	Ms.Sucheta Yadav, APP
For the O.P.No.2	:	Mr. Ajay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 20-12-2023 Heard learned counsel for the petitioner and learned

counsel for the opposite party no.2 as also learned counsel for

the State.

2. The petitioner, in the present case, is seeking pre-
arrest bail in connection with Complaint Case vide C.R. No.31
of 2020 registered for the offences punishable under Section
498A of the Indian Penal Code and Section 4 of the D.P. Act.
The petitioner has got no criminal antecedent.

3. As per the prosecution story, the allegation against
the petitioner is that he along with other in-laws was indulged in
torturing of his wife for non-fulfillment of demand of dowry.



4. On the last date of hearing, this Court was informed that during pendency of the case the opposite party no.2 has died. She is survived by a minor daughter who is presently residing with her maternal grandfather and maternal grandmother. Considering this aspect of the matter, when this Court was informed that the parties are discussing an amicable resolution of the dispute, this Court called upon the petitioner and the father of the deceased-O. P. No.2 to be present in person in Chambers today.

5. Pursuant to the order dated 13.12.2023 passed by this Court, both the parties are present along with their learned advocates. They have placed before this Court a written agreement which are being reproduced hereunder for a ready reference:-

“1. That the petitioner will receive as nominee the amount prior to maturity and after maturity of SBI life Insurance in the name of Jyoti Kumari and deposit all the received amount in the SB Account of the daughter of Informant namely Aditi Shree bearing Account No.40711608627 and thereafter the amount will be deposited as a fixed deposit.

2. That the petitioner will deposit Rs.4000/- per month in the Sukanya Yojna of the daughter of the informant namely Aditi Shree which has already been opened by the informant.

3. That the petitioner will deposit Rs.4000/- per



month in the Bank Account at SBI bearing Account No.32922715471 of the father of the informant namely Bharat Sahu for the Educational Expenditure of the daughter of the informant namely Aditi Shree.

4. That the amount received by the petitioner, from the department of the informant-deceased working as a Niyojit Teacher due to her death, will be deposited as a fixed deposit in the name of daughter of the informant namely Aditi Shree.

5. That the petitioner will pay admission charge and miscellaneous in course of Higher Education of Aditi Shree.

6. That after death of maternal grand father and mother of the minor Aditi Shree, the petitioner would take back his daughter from his sasural to do needful for her happy life.

7. That during stay time of minor Aditi Shree petitioner would visit his sasural to meet his daughter.

8. That contents of this agreement has been read over to us and fully understand the same.”

6. Learned counsel for the parties jointly submit that in view of the above written agreement, the petitioner may be granted privilege of pre-arrest bail.

7. Learned A.P.P. for the State does not oppose the prayer taking into consideration the interest of the minor child and the bonafides shown by the petitioner.

8. In the aforesaid view of the matter, this Court



directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Benipur, Darbhanga in connection with Complaint Case vide C.R. No.31 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. 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.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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