

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51967 of 2023

Arising Out of PS. Case No.-434 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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SANTOSH KUMAR S/O RAMASHANKAR RAM R/O VILLAGE-
GOSAISIDHARA, P.S- DHANSOI, DISTT.- BUXAR.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. SARITA DEVI W/O SANTOSH KUMAR, D/O VIJAY RAM R/O
VILLAGE- KARMAINI, P.S- NUTWAR, DISTT.- ROHTAS, A/P- R/O-
VILLAGE- BRAHYABAGH, BHAWANIPUR, P.S- SASARAM, DISTT.-
ROHTAS.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh
For the Opposite Party/s : Mr.Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 06-12-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 434 / 2022 dated 09.06.2022
registered under Section 323 and 498 (A) of the I.P.C. and
Section 3/4 of the D.P. Act.

3. As per the complaint case marriage of the
complainant was solemnized with the petitioner on 03.05.2016
and after one month of the marriage the accused persons
including the petitioner started mounting pressure upon the
complaint for demand of motorcycle as dowry.

4. The matter was referred for mediation and during



mediation proceedings both the parties have amicably settled their dispute and agreement was arrived at on 11.09.2023 having the following terms and conditions:-

“1. That the both the parties are ready to live together as husband and wife.

2. That the petitioner is ready to keep his wife along with children's with full honour and dignity. He also assured that he will fulfil all the requirements to his wife as per his Income.

3. That the petitioner first party shall give Rs.2000/- (Rupees Two Thousand) per month to the Opposite Party No.2 (Second Party) on or before 10th of every month.

4. That the petitioner will go to his sasural at Village-Brahyabagh, Bhawanipur, P.S.-Sasaram, District-Rohtas during Durga Puja and from there he will bring back his wife opposite party No.2 second party along with children to the matrimonial place at Village- Gosaisidhara, P.S.-Dhansoi, District-Buxar and keep them with full honour and dignity.

5. That both the parties are agreed upon that Rohtas Complaint Case No.434 of 2022 pending before Learned S.D.J.M., Rohtas, will also be compromised within six months.

6. That the aforesaid contents of the agreement have been read over and explained into Hindi, which have fully been understood and accepted by the parties.”

5. Learned counsel for the petitioner submits that as



per the agreement the petitioner has brought his wife to her matrimonial home and both the parties are living together. Learned counsel further submits that the petitioner shall abide by the terms and condition arrived at between the parties during the mediation proceedings.

6. Learned counsel for the opposite party no. 2 agrees that both husband and wife are living together but submission is that Rs. 2000/- as agreed between the parties is not being paid to the opposite party no. 2.

7. Learned counsel for the petitioner however submits that the petitioner shall pay Rs. 2000/- per month as per the agreement to the opposite party no. 2 for her expenses.

8. In view of the aforesaid submission of the parties, taking into consideration the fact that there is marriage dispute between the parties which has now been settled during the mediation proceedings and terms and conditions of settlement has already been arrived at, as such, I am inclined to grant anticipatory bail to the petitioner with condition that petitioner shall abide by the terms and conditions of the agreement dated 11.09.2023.

9. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the



court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M., Sasaram, Rohtas in connection with Complaint Case No. 434 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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