

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.72789 of 2022

Arising Out of PS. Case No.-1531 Year-2021 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Mithun Chakrawarti @ Mithun Chakraborty Son Of Shankar Chakrawarti
R/O- West Hajari Camp, Bengali Colony, Ward No 2, P.S.- Bettiah (Town),
District- West Champaran ... Petitioner

Versus

1. The State Of Bihar
2. Ankita Kumari W/O Mithun Chakrawarti @ Mithun Chakraborty, D/O
Pranav Bhattacharya R/O- West Hajari Camp, Bengali Colony, Ward No 2,
P.S.- Bettiah (Town), District- West Champaran, At Present R/O Naihar Lal
Saraiya Colony, Near High School, Ward No. 4, P.S.- Majhauilya, District-
West Champaran

... ... Opposite Parties

Appearance :

For the Petitioner : Mr.Bimlesh Kumar Pandey, Advocate
For the State : Mr.Madan Kumar, Addl Public Prosecutor
For opposite party no.2 Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-09-2023 Heard learned counsel for the parties.

2. Petitioner apprehends arrest in a case registered
for the offence punishable under sections 498A/323 of the
Indian Penal Code and section 4 of the Dowry Prohibition Act.

3. There is allegation of commission of torture and
cruelty due to non-fulfilment of demand of dowry. Petitioner
happens to be husband of opposite party no.2.

4. Learned counsel for the petitioner has filed
supplementary affidavit dated 11.9.2023. In paragraph 2 thereof,
it has been stated that parties have settled their dispute and have
decided to take divorce with mutual consent for which Divorce



case No.33 of 2023 has also been filed before the Principal Judge, Family Court, Bettiah, West Champaran (annexure 3). In paragraph 3 of the supplementary affidavit, it is averred that as per agreement, petitioner will give total Rs. 13 lacs to opposite party no.2 out of which he has given Rs.6.50 lacs to her which she has received through draft nos. 943435 dated 5.5.2023 and remaining Rs.6.50 lacs shall be paid to her at the time of decree of divorce with mutual consent. Opposite party no.2 has agreed to withdraw the present case lodged under section 498A of the IPC as well as a case lodged by her under provisions of Domestic Violence Act. Said fact has been mentioned in paragraph 9 of the plaint of Mutual Divorce No.33 of 2023.

5. Learned counsel for the opposite party no.2 does not controvert the facts of the supplementary affidavit.

6. Considering the aforesaid development, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Bettiah, West Champaran in Complaint Case No. 1531C of 2021/ Special Trial No.1685 of 2022, subject to the



conditions laid down under section 438(2) of the Code of Criminal Procedure.

7. Parties would strictly abide by terms of settlement of their dispute.

(Prabhat Kumar Singh, J)

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