

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4227 of 2024

Arising Out of PS. Case No.-2358 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Swapan Das @ Swapan Kumar Das @ Swapan Kumar Son of Niranjan Das,
R/o village - Madhopara, Bangalitola, ward no. 02, P.S. - Sadar, Distt. -
Purnea.

... .. Petitioner

Versus

1. The State of Bihar.
2. Juhi Kumari @ Nandani Kumari W/o Swapan Das @ Swapan Kumar Das
@ Swapan Kumar, D/o Raghubir Rai, R/o At present mohalla - Suddin
Chowk, chhath Pokhar, ward no. 26, K. Hat, Dist. - Purnia.

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-06-2024 Heard Mr. Bidhu Ranjan, the learned counsel for

the petitioner, the learned counsel appearing on behalf of O.P.

No. 2 and Mr. Sanjay Kumar Pandey, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Purnia C.A. Case No. 2358 of 2022, registered

for the offences punishable under Sections 498(A) and 406 of

the Indian Penal Code and under Section 3/4 of the Dowry

Prohibition Act.

3. According to the prosecution case, the complainant

/ informant was regularly tortured physically and mentally by



her husband and in-laws and was later ousted from her matrimonial home due to non-fulfillment of dowry demand.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that petitioner is husband of the complainant / informant.

5. Vide order dated 17.02.2024, the matter was referred to the Patna High Court Mediation Centre for settlement of dispute between the parties through the process of mediation. Report of the learned mediator dated 19.06.2024 reveals that dispute between the parties has been resolved through the process of mediation and both the parties have signed a memorandum of agreement on 19.06.2024, which suggests that petitioner shall pay Rs. 4,50,000/- (Rupees four lakhs and fifty thousand) to the Opposite Party No. 2.

6. Learned counsel for the petitioner on instruction submits that he shall pay the aforesaid amount by way of demand draft at the time of furnishing the bail bond. Apart from that, both the parties have also agreed to file a divorce on mutual consent under Section 13B of the Hindu Marriage Act before the learned Principal Judge, Family Court, Purnia within 30 days from the furnishing of the bail bond.



7. The learned counsel appearing on behalf of the Opposite Party No. 2 and the Additional Public Prosecutor for the State on the other hand have no objection to the aforesaid contentions made by the learned counsel for the petitioner.

8. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Purnia, where the case is pending in connection with **Purnia C.A. Case No. 2358 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

(iii). And further condition that the learned trial Court 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 learned trial Court 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.

(iv) Petitioner shall pay Rs. 4,50,000/- (Rupees four lakhs and fifty thousand) at the time of furnishing the bail bond by way of demand draft in favour of the Opposite Party No. 2, namely, Juhi Kumari @ Nandani Kumari and the learned trial Court is directed to hand over the said demand draft to the Opposite Party No. 2 or her representative, and both the parties may file a divorce on mutual consent as agreed by memorandum of agreement dated 19.06.2024.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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