

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9131 of 2024

Arising Out of PS. Case No.-299 Year-2021 Thana- SHASTRINAGAR District- Patna

SHIWAM CHOUDHARY S/O DR. BINOD KUMAR CHOUDHARY R/O
MOHALLA- ROAD NO. 9, RAJIV NAGAR, P.S- SHASTRI NAGAR,
DISTT.- PATNA (BIHAR), PIN- 800024.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. ANKITA PANDEY D/O BRAJESH PANDEY R/O 76/84, OFFICERS
FLAT, NEW PUNAICHAK, P.S- SHASTRINAGAR, DISTT.- PATNA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastava, Sr. Advocate Mr. Kunal Tiwary, Advocate
For the Opposite Party/s	:	Mr. Veena Kumari Jaiswal, APP Mrs. Shama Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

10 04-09-2024 Heard Mr. Amit Shrivastava, learned Senior counsel

for the petitioner duly assisted by Mr. Kunal Tiwary and Mrs.

Shama Sinha representing the informant.

I.A. No. 01 of 2024

2. The aforesaid Interlocutory Application has been preferred for rectifying the spelling of the name of the petitioner from Shiwam Choudhary to **Shivam Choudhary** in the bail application filed by him vide **Cr. Misc. No. 9131 of 2024**.

3. It is the contention of the petitioner that he writes his name as **Shivam Choudhary** but erroneously, it has incorporated as Shiwam Choudhary.

4. There is no opposition from the other side and as



such, the name of the petitioner be read as **Shivam Choudhary** instead of Shiwam Choudhary.

5. **I.A. No. 01 of 2024** stands disposed of.

Cr. Misc. No. 9131 of 2024

6. The Cr. Misc. No. 9131 of 2024 was filed in the first of February, 2024 and after crossing number of highways, tunnels and the speed breakers, finally has seen the light of the day when both the parties have agreed to certain terms and conditions. For this, the Court is thankful to Mr. Amit Shrivastava, learned Senior counsel for the petitioner duly assisted by Mr. Kunal Tiwary as also Mrs. Shama Sinha, learned counsel appearing on behalf of the informant who had to burn midnight oil with all the positiveness to safeguard the future of the young couple, who as per the Court are still legally married.

7. It is only due to their efforts that the parties have come to an amicable settlement which has resulted into filing of joint compromise petition on **28.08.2024** duly signed by the family members authorized by the petitioner as also the informant, they being **Pramod Kumar** (uncle of the petitioner) and **Brajesh Pandey** (father of the informant).

8. The petitioner is apprehending his arrest in connection with Shastri Nagar P.S. Case No. 299 of 2021 for the



offence under Sections 341, 342, 323, 498(A), 504, 506 and 34 of the I.P.C. lodged on 01.08.2021 by the informant, Ankita Pandey.

9. As per the prosecution story, the informant, **Ankita Pandey** made allegation that she was married to the petitioner, **Shivam Choudhary**, presently residing in United States of America on **17.02.2021** but was tortured for dowry. The lady left U.S.A. after she claims to have been rescued by the American Police Helpline when she dialed the Emergency number 911, flew back to India which followed the FIR.

10. This Court considering the facts of the case and the documents/photographs of the couple that are on record tried its level best to convince the young couple through their respective counsels to reunite. However, it seems that the path on which they travelled after the lady returned from the U.S.A. took them to entirely different destinations from where the return journey is not possible.

11. In that background, ultimately for the health of both of them, the learned counsels deliberated regularly for last six months which have resulted into this compromise petition.

12. It would be appropriate to incorporate the entire compromise petition which read as follows:



“1. That the instant Joint Compromise Petition is being filed on behalf of the petitioner as well as the Informant on account of intervention by the relatives and close family friends of both side and mutual and common understanding has been amicably reached among both the sides.

2. That it has been agree between both the parties that the petitioners will return the jewellery/ornaments received from Informant side to the Informant. The inventory of which is given herein below:-

- | | | |
|--|---|------------------|
| (1) Saree | : | 11 Pieces |
| (2) Salwar Suit | : | 10 Pieces |
| (3) Gold Ring | : | 3 Piece |
| (4) Gold Chain | : | 3 Piece |
| (5) Silver Payal | : | 1 set |
| (6) Silver toe ring | : | 4 Pieces |
| (7) Gold Choker set: | : | 1 Piece |
| (8) Gold Jhumka | : | 1 set |
| 9) Gold Bangle | : | 1 set (2 pieces) |
| (10) Silver Kia | : | 2 set |
| (11) Silver Fish | : | 2 set |
| (12) Silver Plate, Glass, Spoon, Bowl: | : | 1 piece each |
| (13) Suitcase | : | 5 pieces |
| (14) Mang Tika | : | 1 piece |
| (15) Gold Har set | : | 1 piece |
| (16) Gold Nathiya | : | 1 piece |
| (17) Gold coin | : | 1 of 2 gram |



- (18) Silver Bichhiya: 4 pieces
- (19) Gold Earrings: Exact count tbd
- (20) Watch : 1 Watch
- (21) Air pods : 1
- (22) Foorwear : 5 pairs

3. That the above-mentioned items, along with any other items (if any) identified by the Petitioner as belonging to the informant after accessing and opening the locker upon his return to India, shall be returned to the informant. However, any such claim or counterclaim shall not affect the terms of this agreement. The aforementioned items will be handed over to the informant at the time of filing the bail bond.

4. That apart from above mentioned items it has been also agreed between both the parties that the petitioner/his father (Dr. Binod Kumar Choudhary) will give final settlement amount of Rs. 50 lakhs (Rs. Fifty Lakhs) to the 'Informant (Ankita Pandey) in two installments. The first installment will be of Rs. 25 lakh which will be paid through Demand Draft drawn in favour of the Informant at the time of execution of the bail bond and thereafter both the parties will file mutual consent divorce under the 13(B) of Hindu Marriage Act, 1956.

5. That on receiving the first



installment of Rs. 25 Lakhs, the Informant will take steps to withdraw all the cases filed against the Petitioner and his family members, namely the criminal case bearing no. Shastri Nagar P.S. Case No. 299/2021 dated 01.08.2021 registered under Section 341, 342, 323, 498A, 504, 506/34 of Indian Penal Code and Section 3/4 of Dowry Prohibition Act, 1961 pending in the Court of Learned Sub- Judge-IV-cum-A.C.J.M, Patna and also D.V. Case no. of 66/2021 pending in the Court of Anuradha Kumari J.M.1st Class, Patna.

6. That the second installment of Rs. 25 Lakh will be paid by the petitioner/his father through demand draft drawn in favour of the Informant on the date of Decree of Divorce by mutual consent.

7. That it is also mutually agreed between the Petitioner and Informant that an appropriate petition for grant of divorce by mutual consent u/s 13 B of the Hindu Marriage Act, 1956 will also be filed by the Petitioner and Informant immediately after furnishing of bail bond by the Petitioner in the month of September 2024 before the appropriate court of competent jurisdiction at Patna or Bengaluru (preferred) where the Informant is currently residing. They shall also jointly file a petition in such petition u/s



13 B for waiving the cooling period of six months.

8. That the Informant assures and states on oath that upon receiving the aforementioned items and final payment of Rs. 50 Lakhs as mutually agreed by the parties herein one time full and final settlement. The Petitioner and informant agree that they and/or their family member (s) shall not file any further case or FIR against each other or any other family member(s).

9. That the Petitioners and Informant state on oath that the instant Joint Compromise Petition is being filed out of their free will, consent, and without any threat or coercion of any nature whatsoever and that they shall fully abide by and honour the terms and conditions set-forth in this Joint Compromise Petition.

10. That upon affidavit of this Joint Compromise Petition the petitioners and Informant unequivocally declare and state that they and their respective families shall have no grievances whatsoever any further against each other.

11. That the petitioners and Informant are fully aware and conscious about the legal consequences if either or both of them violate any of the terms stated herein.



12. That the Petitioners and Informant have read and fully understood the contents of this Joint Compromise Petition which they have received on email sent by their respective Advocate's on Record to them individually. Consequentially they have given their written consent to affirm and file this Joint Compromise Petition through respective emails sent to their Learned Advocate's on Record dated 19.08.2024 and dated 26.08.2024 respectively.

13. That the Petitioner has duly authorized his blood paternal uncle Shri Pramod Kumar to affirm and file this Joint Compromise Petition on his behalf. Likewise the Informant has authorized her father Shri Brajesh Pandey to affirm and file this Joint Compromise Petition before the Hon'ble High Court in the instant Cr. Misc. No. 9131 of 2024.”

13. As the parties have come to an amicable settlement, in that background, with the consent of the parties and as there is no opposition from the learned counsel appearing on behalf of the informant, Ankita Pandey, this Court is inclined to extend the relief to the petitioner.

14. Let the petitioner be released on bail in the event of arrest or surrender within a period of eight weeks from the



receipt of this order, on furnishing bail bond of Rs. 10,000/-
(Ten thousand) each with two sureties of like amount each to the
satisfaction of learned A.C.J.M-IV, Patna in connection with
Shastri Nagar P.S. Case No. 299 of 2021 subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

15. Cr. Misc. No. 9131 of 2024 (Shivam Choudhary
vs. State of Bihar & Anr.) stands disposed of.

(Rajiv Roy, J)

Adnan/-

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