

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9947 of 2024

Arising Out of PS. Case No.-837 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

SATISH KUMAR PRASAD @ SATISH GUPTA S/o Indra Bhushan Prasad
@ Indra Bhushan Prasad Gupta R/o Vill. - Lalmania (Dhanukhi), P.S. -
Lokha, Dist. - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. MANISHA GUPTA W/o Satish Kumar Prasad @ Satish Gupta R/o Vill. -
Lalmania Dhanushi, P.S. - Lalmaniya, Dist. - Madhubani, At Present D/o-
Hemant Gupta @ Hemant Kumar Gupta, R/o Vill. and P.O. - Bhatti Chouk,
(Khudaba Berheta), P.S. - Chakmaheshi, District - Samastipur, Mob. No.-
7870271836

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murlidhar Mishra, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 29-02-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party no.
2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 498(A) of the
Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that
petitioner, being the husband of the opposite party no. 2, has been
falsely implicated in the present case. It is further submitted that
the relationship has soured to an extent that it is not possible for
the petitioner and the opposite party no. 2 to come together for
reviving their conjugal relationship but then it is also submitted



that on intervention of the well wishers it has been agreed in between the petitioner and the opposite party no. 2 that they will part ways amicably for which it has been agreed that petitioner will pay an amount of Rs.21 lakhs by way of one time settlement.

4. The said submissions of the learned counsel appearing on behalf of the petitioner is not disputed by the learned counsel appearing on behalf of the opposite party no. 2.

5. At this stage, learned counsel for the petitioner submits that though the petitioner is willing to pay an amount of Rs.21 lakhs by way of one time settlement but then for arranging the amount, petitioner requires some time. It is further submitted that petitioner will pay the entire amount of Rs.21 lakhs by 10.06.2024. It is next submitted that petitioner in order to establish his bona fide is willing to transfer an amount of Rs.5 lakhs by 18.03.2024 in the bank account of the opposite party no. 2 on which learned counsel for the opposite party no. 2 submits that he will Whatsapp the bank account number of the opposite party no. 2 on the Whatsapp number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to communicate the same to the petitioner so that the amount as agreed is paid in the account by 18.03.2024 and rest of the amount i.e. Rs.16 lakhs shall be paid by 10.06.2024.

6. Learned counsel for the petitioner further submits



that opposite party no. 2 has filed Maintenance Case No. 97 of 2022 which is pending consideration in the Court of learned Principal Judge, Family Court, Samastipur thereafter has also filed D.V. Case No. 27 of 2023 which is pending consideration in the Court of learned Judicial Magistrate, 1st Class, Samastipur apart from the present complaint case. It is next submitted that the opposite party no. 2 has also filed a complaint before the superior authorities of the petitioner.

7. Learned counsel for the opposite party no. 2 further submits that the moment, the entire amount is paid as agreed by the petitioner by 10.06.2024 in that event, the opposite party no. 2 shall withdraw all the cases filed by her against the petitioner within a period of one week from 10.06.2024 including the complaint filed before the superior authorities of the petitioner.

8. At this stage, learned counsel for the petitioner submits that petitioner after paying the entire amount as agreed shall file an application before the learned Principal Judge, Family Court, Samastipur seeking divorce by mutual consent on which learned counsel for the opposite party no. 2 submits that the opposite party no. 2 shall sign the application without any objection. It is further submitted that the present complaint case shall also be withdrawn.

9. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

10. Considering the submissions made by the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 837 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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