

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38558 of 2023**

Arising Out of PS. Case No.-66 Year-2022 Thana- MAHILA P.S. District- Lakhisarai

DHEERAJ KUMAR SINGH S/O JAI RAM SINGH R/O Village- Dariyapur
Dih, PS. Barahiya, Dist. Lakhisarai

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. KHUSHBOO DEVI W/O DHEERAJ KUMAR SINGH R/O- Dariyapur
Dih, PS. Barahiya, Dist. Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Adv.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 06-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Mahila P.S. Case No. 66 of 2022 dated 08.11.2022 registered for the offences punishable u/ss 341, 323, 498A, 354, 379 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the informant mentally and physically due to non-fulfillment of demand of Rs. 10,00,000/- and ousted her from the matrimonial home.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. The petitioner has relied upon the judgment of this Court in the case of "**Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.**" Learned counsel has further submitted that Section 498A of the IPC is triable by the Magistrate. Learned counsel has further relied on the judgments in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351** and **Md. Asfak Alam Vs. The State of Jharkhand & Anr passed in Criminal Appeal No(s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023.** The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The dispute between the parties has resolved amicably on 06.02.2024 through the process of the Mediation Proceeding on the following terms and Conditions :-

1. That after great persuasion both the parties agreed to live separately and for this the petitioner offered to pay Rs.12,50,000/- (Rupees Twelv Lakh Fifty Thousand Only) as full and final settlement amount to the Opposite



party No.2 (Khushboo Devi). Opposite party No.2 accepted the offer and gave her consent.

2. That both the parties agreed that the aforesaid amount shall be paid firstly on 5th. February, 2024 as first installment of Rs.5,00,000/- (Rupees Five Lakh), vide Bank Draft No.632319, dated 02.02.2024 issued by the State Bank of India and thereafter rest amount of Rs.7,50,000/-(Rupees Seven Lakh and Fifty Thousand only) paid in three equal monthly installment i.e. Rs.2,50,000/- (Rupees Two Lakh Fifty Thousand) in each installment in every month. Next installment of Rs.2,50,000/- (Rupees Two Lakh Fifty Thousand) shall be paid on or before 05.03.2024, 05.04.2024 and final on 05.05.2024.

3. This settlement shall be full and final settlement and no party shall claim in future against each other, in any manner.

4. That both the parties agreed to file mutual consent divorce case under section 13 (B) of Hindu Marriage Act, 1955, before Principal Judge, Family Court, Lakhisarai within thirty days and after that both the parties



are free to lead their life as per their own will.

5. That both the parties agreed that any case filed against each other shall be withdrawn. Lakhisarai Mahila P.S. Case No.66 of 2022, pending in the court of Lakhisarai shall be withdrawn by the O.P.No.2 namely Khushboo Devi.

6. That the above contents of the agreement have been read over and explained to us in Hindi which are have fully understood and accepted there upon.

7. That in the above terms and conditions, a settlement has been arrived at between the parties and both have signed in presence their learned counsels, who have also their signature on this agreement.

5. Learned counsel for the petitioner has submitted that Rs. 5 lakhs has been paid to the Complainant by the petitioner through Demand Draft dated 02.02.2024 issued from S.B.I. in the name of Complainant, Khushboo Devi.

6. Learned A.P.P. for the State has supported the facts of settlement between the parties.

7. Considering the aforesaid facts and circumstances of the case as well as in the light of full and final settlement



between the parties, let the above named petitioner, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Lakhisarai in connection with Mahila P.S. Case No. 66 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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