

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5763 of 2025

Arising Out of PS. Case No.-1608 Year-2024 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Brajesh Patel S/O Jay Prakash Patel Village- Chanayan Bandh, P.S.-
Majhauria. Distt/- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari W/O Brajesh Patel, D/O Jagdish Patel R/O Vill.- Lokahan
Pakadiya, P.O.- Pahadiya, P.S.- Pahadpur, Dist.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Siyaram Shahi Ms. Shally Kumari Mr. Abhishek Raj Kashyap
For the State	:	Mr.Shahabuddin Azeem @ S. Azeem
for the O. P. No. 2	:	Mr. Shambhu Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 23-07-2025

1. Heard learned Counsel for the petitioner, learned Counsel

for thd Opposite Party No. 2 and learned Additional

Public Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out

of Complaint Case No. 1608 of 2024, in which

cognizance has been taken for the offences punishable

under Sections 498-A/34 of the Indian Penal Code.
 3. The petitioner is the husband of the Opposite Party No. 2.

The marriage between them was solemnized on

15.05.2023 as per Hindu rites. The allegation is that the

husband demanded dowry after the marriage and due to



non-fulfillment of the said demand, the Opposite Party No. 2-wife was tortured, both mentally and physically.

4. Learned Counsel for the petitioner submits that the petitioner is ready to settle the dispute with his wife- Opposite Party No. 2 amicably and finally and is ready to pay a sum of Rs. 4,00,000/- to Opposite Party No. 2 by way of final settlement. Out of the aforesaid Rs. 4,00,000/-, Rs. 2,00,000/- shall be paid to the Opposite Party No. 2 (wife) by the petitioner by way of bank draft on the date the Opposite Party No. 2 (wife) files a petition for withdrawal of the Complaint Case No. 1608 of 2004 pending before learned Judicial Magistrate, 1st Class, East Champaran, at Motihari. The balance amount of Rs. 2,00,000/- shall be paid by the petitioner to the Opposite Party No. 2 by way of bank draft on the date a joint petition for divorce with mutual consent is filed under Section 13B of the Hindu Marriage Act, 1955 in Divorce Case No. 64 of 2024, pending before the learned Principal Judge, Family Court, West Champaran, at Bettiah, filed by the petitioner.
5. Learned Counsel for the Opposite Party No. 2 (wife) accepts the proposal of the petitioner of final settlement



between the parties on payment of total amount of Rs. 4,00,000/- by the petitioner to his wife (Opposite Party No. 2) as per the aforesaid proposal.

6. Having regard to the submissions made by the parties and in the interest of both, the husband and the wife, this Court directs the Opposite Party No. 2 to file a petition for withdrawal of Complaint Case No. 1608 of 2024, pending before learned Judicial Magistrate, 1st Class,, East Champaran, at Motihari, within a period of fifteen days from today. On the date of filing of the withdrawal petition, jointly signed by both the parties, the petitioner shall hand over a sum of Rs. 2,00,000/- by way of bank draft duly prepared in the name of Opposite Party No. 2.
7. Subsequently thereafter, within one month from today, the petitioner and the Opposite Party No. 2 shall file a joint petition under Section 13B of the Hindu Marriage Act, 1955, in Divorce Case No. 64 of 2024, pending before the learned Principal Judge, Family Court, West Champaran, at Bettiah, for dissolution of marriage with mutual consent. On the date of filing of the petition under Section 13B of the Hindu Marriage Act, 1955, the balance amount of Rs. 2,00,000/- shall be paid by the petitioner to the



Opposite Party No. 2 by way of bank draft.

8. After payment of the entire amount of Rs. 4,00,000/- the learned Court, in seisin of Complaint Case No. 1608 of 2024 is directed to consider the withdrawal petition filed by both the parties taking into account the fact that the dispute between the parties (husband and wife) has been settled by virtue of the order passed by this Court in the present application.
9. The learned Principal Judge, Family Court, West Champaran, at Bettiah, shall also consider the fact that both the parties have amicably settled their dispute before this Court in the present case and after payment of the entire amount of Rs. 4,00,000/- by the petitioner to the Opposite Party No. 2, a decree of divorce with mutual consent shall be passed by it in Divorce Case No. 64 of 2024 as early as possible and preferably within a period of one month from the date of filing of joint petition for divorce.
10. With the aforesaid observations and direction, this application is allowed.
11. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of



four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, East Champaran, at Motihari, in connection with Complaint Case No. 1608 of 2024.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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