

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19131 of 2025

Arising Out of PS. Case No.-8830 Year-2024 Thana- PATNA COMPLAINT CASE District-
Patna

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Shankar Kumar Son of Shri Ashok Thakur @ Ashok Sharma Resident of
Banke Rai Ka Kuncha, Noon Ka Chauraha, Kath Ki Deviji ,Sadar Gali PS-
Khajekalan Distt- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anuradha Kumari Wife of Shankar Kumar Resident of village - North
Shrikrishnapuri, Aasha Deep, 5A/19 Vivekanand Marg, Ps- Patliputra, Dist-
patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Deepak Kumar
For the State	:	Mr.Binod Kumar
For Opposite Party No. 2:		Mr. Kishore Kunal
		Mr. Nitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 3 | 13-08-2025 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner, learned Counsel
for the 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. 8830 (C) of 2024, in which
cognizance has been taken for the offences punishable
under Sections 85/115(2)/351(2) of the Bhartiya Nyaya
Sanhita, 2023.3. The petitioner is the husband of the Opposite Party No. 2.
The marriage between them was solemnized on |
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11.05.2022 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. Earlier, the matter was referred for mediation, where the petitioner was ready to pay Rs. 5,00,000/- as full and final settlement, as submitted by learned Counsel for the petitioner, but Rs. 15,00,000/- was being demanded by the Opposite Party No. 2 for final settlement.
5. In course of hearing before this Court, the petitioner as well as the brother of the complainant, namely, Kumar Gaurav, were present, in person, before this Court.
6. During argument, the parties agreed to settle their dispute on payment of Rs. 7,00,000/- by way of final settlement.
7. Learned Counsel for the petitioner submits that Rs. 1,00,000/- shall be paid to the Opposite Party No. 2 (wife) by the petitioner by way of bank draft on the date the petitioner furnishes bail bond before the learned District Court. A sum of Rs. 2,00,000/- shall be paid by the petitioner to the Opposite Party No. 2 (wife) 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 Matrimonial Case No. 127 of 2024, pending before the learned Principal Judge, Family Court, Patna, filed by the petitioner. The joint petition, under Section 13B of the Hindu Marriage Act, 1955, shall be filed by the parties within a period of two months from today. The balance amount of Rs. 4,00,000/- shall be paid by the petitioner to the Opposite Party No. 2 by way of bank draft on the date the Matrimonial Case No. 127 of 2024 is posted for judgment by the learned Principal Judge, Family Court, Patna, after recording the evidence of the parties. The Opposite Party No. 2 (wife) shall also file a petition for withdrawal of the Complaint Case No. 8830 (C) of 2024 pending before learned Judicial Magistrate, 1st Class, Patna after receiving the entire amount of Rs. 7,00,000/-.

8. 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. 7,00,000/- by the petitioner to his wife (Opposite Party No. 2) as per the aforesaid proposal.
9. Having regard to the submissions made by the parties and in the interest of both, the husband and the wife, this



Court directs the petitioner to pay Rs. 1,00,000/- to the Opposite Party No. 2 (wife) by way of bank draft at the time of furnishing bail bond.

10. Subsequently thereafter, within two months 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 Matrimonial Case No. 127 of 2024, pending before the learned Principal Judge, Family Court, Patna, for dissolution of marriage with mutual consent. On the date of filing of the petition under Section 13B of the Hindu Marriage Act, 1955, a sum of Rs. 2,00,000/- shall be paid by the petitioner to the Opposite Party No. 2 by way of bank draft.
11. The petitioner is further directed to make payment of the balance amount of Rs. 4,00,000/- to the Opposite Party No. 2 by way of bank draft on the date the Matrimonial Case No. 127 of 2024 is posted for judgment by the learned Principal Judge, Family Court, Patna.
12. The Opposite Party No. 2 is also directed to file a petition for withdrawal of Complaint Case No. 8830 (C) of 2024, pending before learned Judicial Magistrate, 1st Class, Patna, on receiving the entire amount of Rs.



7,00,000/-, jointly signed by both the parties.

13. After payment of the entire amount of Rs. 7,00,000/- the learned Court, in seisin of Complaint Case No. 8830 (C) 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.
14. The learned Principal Judge, Family Court, Patna, 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. 7,00,000/- by the petitioner to the Opposite Party No. 2, a decree of divorce with mutual consent shall be passed by it in Matrimonial Case No. 127 of 2024 as early as possible and preferably within a period of two months from the date of filing of joint petition for divorce.
15. With the aforesaid observations and direction, this application is allowed.
16. 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, Patna, in connection with
Complaint Case No. 8830 (C) of 2024.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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