

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37514 of 2025

Arising Out of PS. Case No.-296 Year-2024 Thana- BARHARIA District- Siwan

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Birendra Ram @ Birendra Kumar S/O Harihar Ram Resident of Village-
Tilsandi, P.S- Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Babunti Kumari @ Babunti Devi W/O Birendra Ram @ Birendra Kumar
R/O Village- Tilsandi, P.S- Barharia, Dist.- Siwan. At present- Daughter of
Chhotelal Ram, R/O Village- Sirsa Sirha, P.S- Baikunthpur, Distt.-
Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Pandey, Adv.
For the informant	:	Mr. Sumit Shekhar Pandey, Adv.
For the Opposite Party/s	:	Mr.Meena Singh, APP

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

ORAL ORDER

4 03-11-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Barharia P.S. Case No. 296 of 2024 dated
04.07.2024 registered for the offences punishable u/ss 498A,
341, 323, 379, 498A, 504, 506 read with Section 34 of the
Indian Penal Code and Sections 3/4 of the D.P. Act.

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



dowry and ousted her from the matrimonial home.

4. Learned counsel for the petitioner has submitted that the petitioner 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 16.10.2025 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 (Birendra Ram @ Birendra Kumar) offered to pay Rs.1,10,000/-(Rupees One Lakh Ten Thousand Only) as full and final settlement amount to the Opposite Party No.2 (Babunti Kumari @ Babunti Devi). Opposite Party No.2 accepted the offer and gave her consent.

2. That the husband/petitioner agreed to pay the aforesaid settlement amount in the sum of Rs.1,10,000/-(Rupees One Lakh Ten Thousand Only) in two instalment in following manner:-

(A) The Petitioner (Birendra Ram @ Birendra Kumar) shall pay first instalment of Rs.55,000/- (Rupees Fifty Five Thousand) on the date of furnishing bail bond in the concerned Court in connection with Barharia P.S. Case No.296 of 2024. The payment



shall be made through Bank Draft/RTGS/Cash in the name of opposite party No.2 (Babunti Kumari @ Babunti Devi),

(B) 2nd instalment of Rs.55,000/- (Rupees Fifty Five Thousand) shall be paid at the time of final decree of divorce for which a petition will be filed with mutual consent of parties in the Family Court, Gopalganj. The payment shall be made through Draft/RTGS/Cash in the name of Opposite Party No.2 (Babunti Kumari @ Babunti Devi).

(C) Maintenance Case No.133 of 2025 will be withdrawn by the Opposite Party No.2/2nd Party, pending in the Court of Ld. Principal Judge, Family Court, Gopalganj.

3. That both the parties have agreed to file the mutual divorce petition in terms of Section 13 (B) of the Hindu



Marriage Act, before the Principal Judge, Family Court, Gopalganj after disposal of the Criminal Miscellaneous No.37514 of 2025.

4. That both the parties have further agreed to withdraw respective cases Civil/Criminal in nature filed against each other in the light of settlement of dispute.

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

6. That both the parties are free to lead their life as per their own will after final settlement.

7. 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.

8. That in the above terms and



conditions the present settlement has been arrived at between the parties and both parties have signed in presence of their learned counsels, who have also put their signature on this agreement.

5. Learned A.P.P. for the State and learned counsel for the informant have supported the facts of settlement between the parties.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six 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, Siwan in connection with Barhariya P.S. Case No. 296 of 2024, subject to conditions as laid down under section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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