

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40231 of 2025

Arising Out of PS. Case No.-145 Year-2025 Thana- AGAMKUAN District- Patna

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Kumar Saurav @ Saurav Kumar S/O Late Ajay Singh R/o Mohalla-
I.O.C.Colony,Kumhrar, PS- Agamkuan, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Surbhi Kumari W/O Kumar Saurav @ Saurav Kumar, D/O Raghubansh
Kumar Singh @ Pappu Singh R/O Village- Dharampur, Athmalgola, PS-
Athmalgola, Distt-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar
For the Opposite Party/s : Mr.Abhay Kumar Roy

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

ORAL ORDER

4 04-11-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Agamkuan P.S. Case No. 145/2025 dated
15.02.2025 registered for the offence punishable under Sections
126(2), 115(2), 88, 85, 352 and 351(2) read with Section 3(5)
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.

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 who 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 both the parties has been resolved amicably on 15.10.2025 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 (Kumar Saurav Saurav Kumar) offered to pay



Rs.6,50,000/-(Rupees Six Lakhs Fifty Thousand Only) as full and final settlement amount to the Opposite Party No.2 (Surbhi Kumari). 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. 6,50,000/-(Rupees Six Lakhs Fifty Thousand Only) in three instalment in following manner:-

3. The Petitioner (Kumar Saurav @ Saurav Kumar) shall pay first installment of Rs.2,25,000/- (Rupees Two Lakhs Twenty Five Thousand) on the date of furnishing of bail bond in the Id. Court below and second installment of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand) at the time of admission of divorce petition U/s 13(B) of Hindu Marriage Act before the Family Court, Patna.



The payment shall be made through Bank Draft/RTGS/ issued in the name of Opposite Party No.2 namely Surbhi Kumari. The third installment of Rs.3,00,000/- (Rupees Three Lakhs) will be paid by the Petitioner in favour of the Opposite Party No.2 on the date of recording of final evidence before the Family Court, Patna. The payment shall be through Bank Draft/RTGS/ issued in the name of opposite party No.2 namely Surbhi Kumari, before 2nd motion petitioner will return the cloths if the same is with him.

4. 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, Patna within one month from date of furnishing of bail bond.



5. 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.

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

7. 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, Patna as mentioned above and after that both the parties are free to lead their life as per their own will.

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

9. 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 has vehemently opposed the prayer for anticipatory bail of the petitioner.

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, Patna City in connection with Agamkuan P.S. Case No. 145/2025, subject to conditions as laid down under section 482(2) of the B.N.S.S.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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