

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50277 of 2024

Arising Out of PS. Case No.-128 Year-2023 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Gautam Kumar @ Gautam Kumar Gunjan Son of Ramjapo Yadav R/O Vill.-
Rajendra Nagar, D.A.V. Public School Road Chitragupt Nagar Khagaria, P.s.-
Nagar, Dist.- Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bhibha Kumari Wife of Gautam Kumar @ Gautam Kumar Gunjan R/O
Vill.- Rajendra Nagar D.A.V. Publice School Road Chitragupt Nagar
Khagaria, P.s.- Nagar, Dist.- Khagaria. At Present D/O Manoj Rai R/O Vill.-
Narharipur, P.s.- Bhagwanpur, Dist.- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav
For the Opposite Party/s : Mr. Pronoti Singh

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 01-05-2025 The petitioner and the opposite party no. 2 are present
along with their respective counsels.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 498A of the
Indian Penal Code and Section 4 of the D.P. Act.

3. The prosecution case is based upon a complaint filed
by the opposite party no. 2 in which she has made an allegation
of demand of dowry and torture. Petitioner is the husband of
opposite party no.2.

4. Earlier, the possibility of reaching one time
settlement between the parties was being explored and today
the learned counsel for the petitioner has come out with an
offer on behalf of the petitioner in his presence that the matter



could be settled upon a total payment of Rs. 4,50,000/- to the opposite party no. 2.

5. Learned counsel for the opposite party no. 2, in the presence of the opposite party no. 2, agrees to the same.

6. In such view of the matter, the present case under Section 498A IPC would be taken to its logical conclusion upon the payment of the aforesaid amount in installments. An application for mutual divorce under Section 13(B) of the Hindu Marriage Act is agreed to be filed before the Family Court, West Champaran at Bettiah.

7. It has been submitted on behalf of the petitioner that the petitioner would be producing a draft of Rs. 1,00,000/- in the name of the opposite party no. 2, which would be deposited before the learned court below at the time of furnishing of the bail bonds and the said draft would be received by the complainant as and when it is convenient. The next amount of Rs. 2,00,000/- would be submitted by way of draft on the first motion of 13(B) proceedings, which would be released in favour of the opposite party no. 2 immediately and the rest amount of Rs. 1,50,000/- would be deposited before the Family Court at the time of second motion, which would be released in favour of the opposite party no. 2 at the time of grant of decree



of divorce with mutual consent.

8. In such view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Begusarai in connection with Complaint Case No. 128C of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

9. It is needless to say that one time settlement always means that all the litigations between the parties would finally come to an end and both the parties undertake to withdraw their respective cases, which they have filed against each other. It is expected that there will be peaceful exchange of articles between the parties and this process would not be an impediment in the procedure leading to settlement.

10. The opposite party no. 2, however, undertakes to file a withdrawal application of the Complaint Case No. 128C of 2023 at the time of the first motion of 13(B) proceedings and would finally withdraw the same on the date of granting of the



final decree of divorce.

11. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

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