

PravIn Kumar Pandey Vs. the State of Bihar and anr

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Court : Patna

Decided On : May-23-2012

Appellant : PravIn Kumar Pandey

Respondent : The State of Bihar and anr

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous
No.398 of 2012

===== Pravin
Kumar Pandey Petitioner/s Versus The State Of Bihar & Anr Opposite
Party/s =====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH ORAL ORDER
(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

23. 01-2012 Petitioner being husband is apprehending his arrest in a complaint case in which cognizance has been taken under Section 498A of the I.P.C. and Section of the Dowry Prohibition Act. It appears that reconciliation is not possible and today the date was fixed for the petitioner to offer the final amount with regard to one time settlement. Petitioner is willing to give Rs. 8,00,000/-(eight lacs) to the complainant as one time settlement amount and out of Rs. 8,00,000/-(eight lacs), Rs. 4,00,000/-(four lacs) will be paid to the complainant within a period of one week and the balance amount of Rs. 4,00,000/-(four lacs) will be paid by the petitioner to the complainant in maximum period of two years in four equal installments. All the payments will be made through drafts. The aforesaid offer is

acceptable to the complainant who is present. Considering the aforesaid stand of the parties, let the petitioner namely Pravin Kumar, in the event of his arrest or surrender before learned Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram, Rohtas in connection with Complaint Case No. 342 of 2011. None compliance of the undertaking by the petitioner will give liberty to the complainant to file appropriate application for cancellation of bail of the petitioner. On final payment of the settlement amount, the complainant will file an appropriate application for disposal of the present complaint case when learned Court below will dispose off the Complaint Case No. 342 of 2011 in view of the ratio laid down in the case of B.S. Joshi versus State of Haryana reported in AIR, 2003, 1386 and Ruchi Agarwal versus Amit Kumar Agrawal and others reported in (2005) 3 SCC 299. It is agreed that parties will withdraw the other cases pending between them including the maintenance one on final payment of the settled amount. It is expected from the complainant that for the next two years she will not pursue the complaint or the maintenance case and learned Courts below shall accordingly try to accommodate the parties. It is also agreed that both sides after payment of agreed amount shall file application for mutual divorce under Section 13B of the Hindu Marriage Act. It is made clear that petitioner can make the payment even before the stipulated period. With the observations above, the application stands disposed off. (Dinesh Kumar Singh, J.) SHAGEER

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