
(2020) 10 PAT CK 0041

In the Patna High Court

Case No : Criminal Miscellaneous No. 78955 Of 2019

Ankit Kumar Shrivastava @ Bittu Kumar Shrivastava And Ors APPELLANT
Vs

State Of Bihar And Anr RESPONDENT

Date of Decision : 08-10-2020

Acts Referred:

Indian Penal Code, 1860 — Section 323, 379, 420, 498A
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 10 PAT CK 0041

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Naresh Chandra Verma, Raj Ballabh Singh

Final Decision : Disposed Of

Judgement

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Though notice was issued to opposite party no. 2-wife, but despite service of the same, neither anybody has entered appearance nor appeared when the matter was taken up, as was the position earlier on 15.09.2020.

3. On 15.09.2020, the court had recorded the following at paragraphs no. 4 and 5:

"4. Learned counsel for the petitioners submitted that today morning itself he has filed supplementary affidavit bringing on record the compromise entered between the parties and also filed before the Court below in which both of them have accepted that they want to live their separate lives and the petitioner no. 1 has agreed to pay Rs. 1,75,000/-, by way of a final settlement between them.

5. On a query of the Court that when the opposite party no. 2 has also signed on the compromise and has filed it in the Court, there is no role of her and the reason why still the petitioners have not paid her Rs. 1,75,000/-, when the

compromise is dated 01.02.2020, learned counsel submitted that the matter be adjourned for three weeks and he shall file further affidavit bringing on record material showing that the amount has been paid to the opposite party no. 2."

4. Heard Mr. Naresh Chandra Verma, learned counsel for the petitioners and Mr. Raj Ballabh Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

5. The petitioners apprehend arrest in connection with Complaint Case No. 2791 of 2018 dated 14.12.2018, instituted under Sections 498A/420/323/379 of the Indian Penal Code.

6. The allegation against the petitioners in the case filed by the opposite party no. 2, who is the wife of petitioner no. 1, is of demand of dowry leading to mental and physical torture and even attempt to burn her.

7. Learned counsel for the petitioners submitted that without going into the merits, as in terms of the compromise filed by the parties in the Court below, he has paid Rs. 1,75,000/- to the opposite party no. 2, on 03.10.2020, which has also been received by the opposite party no. 2, as would be apparent from the endorsement made by her, both on the order-sheet as well as the compromise petition filed by the petitioners. Thus, learned counsel submitted, the Court may grant them indulgence.

8. In view of the matter having been compromised and in terms of the claim, the actual payment also having been received by the opposite party no. 2, the Court is persuaded to grant the petitioners pre-arrest bail.

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate 1st Class, Gopalganj in Complaint Case No. 2791 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.