

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29876 of 2014

Arising Out of PS.Case No. -1304 Year- 2010 Thana -COMPLAINT CASE District- SUPAUL

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1. Vijay Bihari Mishra Son of Ram Bihari Mishra R/o Village +P.O.-
Sherpur, P.S. maner, District Patna

.... Petitioner/s

Versus

1. The State of Bihar

2. Manju Kumari D/o Late Damodar Pathak R/o Ward No. 10, Near Dhatal
Das Thakurbari, Station Road, P.s. AND District Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr. R.P.S. Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

5 23-06-2015

Heard learned respective counsels as well as learned

APP.

The parties are none else than the spouse. On account of bitterness cropped up during their marital life, the instant prosecution has been lodged. At an earlier occasion, after appearance of Manju Kumari, O.P. No.2 vide order dated 29.01.2015, at the instance of respective parties, the matter was referred to the High Court Mediation Centre where, as is evident from the report available on the record, the dispute has been resolved. After going through the memorandum, it is apparent that both the parties have agreed to part with after having payment of Rs.11 Lakhs by the petitioner to the O.P. No.2 within a span of three years.

At the present moment, learned counsel representing O.P. No.2 has submitted that there should be some sort of surveillance so that terms and conditions should properly be

executed.

Learned counsel for the petitioner did not controvert the same. On the other hand, learned counsel for the petitioner submits that his client is ready to pay the agreed amount of Rs. 11 Lakhs in terms of agreement so arrived in between the parties.

That being so, petitioner, Vijay Bihari Mishra, in the event of his arrest/surrender within eight weeks from the receipt/production of the instant order, will be provisionally released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of SDJM, Supaul in connection with Complaint Case No. 1304 'C'/2010, subject to the condition as laid down under Section 438(2) Cr.P.C.

The aforesaid privilege will be available to the petitioner for three years. In case, the total agreed amount of Rs. 11 Lakhs is paid by the petitioner, then in that event, the learned lower court will confirm the provisional bail, contrary to it, as is evident from Clause-III of the terms of agreement, the compromise between the parties will evaporate and the learned lower court will be at liberty to pass an appropriate order in accordance with law.

(Aditya Kumar Trivedi, J)

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