

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18813 of 2016

Arising Out of PS.Case No. -76 Year- 2016 Thana -BELAGANJ District- GAYA

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1. Shiv Shankar Das Son of Late Barhan Das, Resident of Village -
Ambedkar Nagar, Police Station - Belaganj and District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Kumari Daughter of Balindra Das, Resident of Village - Bara,
Police Station - Guraru, District - Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. S.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 08-11-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 498A, 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant having no issue but the petitioner has filed Matrimonial Suit No. 243 of 2014 with a prayer for divorce and thereafter the present F.I.R was registered.

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the



Bihar State Legal Services Authority vide order dated 27.06.2016. Thereafter, in view of the interim report of the Mediator dated 02.09.2016 the period of mediation was further extended for six weeks. The final report of the Mediator dated 29.09.2016 reflects that the issue has been resolved through the process of mediation and as per the joint memorandum of agreement both the petitioner and the informant decided to part ways on payment of permanent alimony of Rs. 4,00,000/-. For payment of permanent alimony two cheques of Rs. 3,50,000/- and Rs. 50,000/- have been handed over to the informant.

Mr. Chandramauleshwar, learned counsel for the informant does not controvert the contention of the counsel for the petitioner and submits the issue has been resolved through the process of mediation. Hence, counsel for the informant is not opposing the prayer for bail of the petitioner. Though the terms of memorandum of agreement does not stipulate that the marriage will be dissolved between the parties by filing appropriate matrimonial suit but it is jointly submitted by counsels for the parties that both sides agree to file appropriate matrimonial suit under Section 13(B) of the Hindu Marriage Act for the dissolution of marriage within a period of four weeks. The informant also agrees to withdraw the cases lodged against the petitioner.

Considering the present stand of the parties,

let the petitioner, above named, in the event of his arrest or surrender before the 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 Additional Chief Judicial Magistrate-III, Gaya in connection with Belaganj P.S. Case No. 76 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the report of the Mediator along with the memorandum of agreement be transmitted to the learned Court below along with the order of this Court.

(Dinesh Kumar Singh, J)

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