

Arising Out of PS.Case No. -1433 Year- 2013 Thana -COMPLAINT CASE District- BANKA

Filip Tudu son of Late Johan Tudu resident of village - Basmata, P.S. - Belhar, Distt - Banka. at present address : - Havaladar Filip Tudu, B.M.P. - 14, Patna, P.S. Hawai Adda, Distt. - Patna.

Versus

- Opposite Party/s

For the Petitioner/s : Mr. Narsingh Tanti
For the Opposite Party/s : Mr. Dashrath Mehta(App)

It is submitted by learned counsel for the



petitioner that petitioner admits his marriage with the complainant and birth of a female child namely Shalini out of the wedlock who resides with the complainant. It is further submitted that complainant, after some time of marriage remained in elopement with one Narayan Soren about fourteen years. However, the petitioner, in pursuance to the compromise arrived at on a complaint filed by the complainant before the Commandant of BMP, was paying Rs. 10,000/- per month to the daughter of the complainant by depositing the same in the bank account of the daughter of the complainant namely Shalini. The deposit receipts have been brought on record as annexure-4 to the petition.

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 15.09.2016. The report of the Mediator at Flag-B dated 11.11.2016 reflects that the issue has been resolved between the parties. The petitioner agreed to make payment of Rs. 10,000/- per month to the complainant by depositing the said amount in the bank account of the complainant situated at Bank of India, Basmata branch, Banka, by first week of every succeeding month. After retirement the petitioner will make payment of 1/3 of the retrial benefits as well as monthly pension to the complainant. The petitioner will also bear the expenses of the marriage of the daughter, Shalini.

Mr. Anil Kumar (AOR No. 01947) appearing on behalf of the complainant submits that in view of the agreement arrived at during mediation, the complainant is not opposing the prayer for bail of the petitioner.

Considering the aforesaid facts, 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 Sub-Divisional Judicial Magistrate, Banka in connection with Complaint Case No. 1433 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the order of this Court along with the report of the Mediator at Flag-B dated 11.11.2016 including the memorandum of agreement arrived at between the parties during mediation, be transmitted to the learned Court below.

(Dinesh Kumar Singh, J)

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