

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41794 of 2016

Arising Out of PS.Case No. -98 Year- 2016 Thana -KHIJARSARAI District- GAYA

=====

1. Om Prakash Kumar @ Om Prakash Sharma S/o Ugreshen Sharma
Resident of Village- Hati , P.S.- Kako, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Sri Rajballabh Singh

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-12-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 504, 498A/34 of the Indian Penal Code and Section 3 of the Dowry Prohibition Act.

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

It is submitted by learned senior counsel for the petitioner that petitioner admits his marriage with the informant having no issue.

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 23.09.2016. The report of the Mediator at Flag-M dated 02.12.2016 reflects that the issue has been resolved as both



sides decided to part ways on payment of one time settlement amount of Rs. 7,00,000/-. The first installment of Rs. 2,00,000/- will to be paid till 30th of January, 2017, the second installment of Rs. 2,00,000/- will be paid till April, 2017 and the rest of Rs. 3,00,000/- will be paid between June, 2017 to August, 2017 either by transferring the amount in the bank account of the informant or through bank draft. Both sides agreed to withdraw/compromise the cases filed against each other. Both sides also agree to file a matrimonial suit before learned Principal Judge, Family Court, Gaya under Section 13(B) of the Hindu Marriage Act within a period of four weeks from today.

Learned counsel for the informant does not controvert the terms of the agreement arrived at between the parties during mediation. Hence, the informant is not opposing the prayer for bail of 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, IIrd, Gaya in connection with Khizersarai P.S. Case No. 98 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



On filing of the appropriate application with regard to the present stand of the parties, learned Additional Chief Judicial Magistrate, IIIrd, Gaya is expected to dispose of the Khizersarai P.S. Case No. 98 of 2016 in accordance with law expeditiously. It is also expected from the learned Principal Judge, Family Court, Gaya to conclude the matrimonial suit, if on being filed, expeditiously preferably within a period of six months. Either side will be at liberty to file appropriate application before this Court in case of non-compliance of the terms of the agreement.

Let the copy of the order along with the report of the Mediator and the terms of the agreement be transmitted to the learned Court below.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--

