

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11158 of 2016

Arising Out of PS.Case No. -895 Year- 2015 Thana -COMPLAINT CASE District- SUPAUL

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Ganesh Sah S/o- Late Harihar Sah, Resident of village- Chakla (Jhigniya),
P.S.- Narpatganj, District- Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Asha Devi W/o- Ganesh Sah, D/o- Sahdeo Sah, resident of village-
Mohanpur, P.S.- Chhatapur, District- Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Anuradha Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

08/ 21-03-2017

Heard learned counsels for the petitioner,
complainant-opposite party no. 2 and Mrs. Gulnar Begum for
the State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 494, 498A of the Indian Penal Code and 3/4 of Dowry
Prohibition Act.

The basic accusation is of torture for non-
fulfillment of the dowry demand and performing second
marriage.



The petitioner and the complainant are present in the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant but since complainant deserted the petitioner, hence, the petitioner has performed second marriage. However, petitioner is still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition which reads as follows:-

“That, the petitioner is ready to keep the complainant with full respect and dignity.”

On the joint prayer of the parties vide order dated 17.01.2017 the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority. The report of the Mediator at Flag ‘X’ dated 06.03.2017 reflects that the issue has been reconciled. The complainant is ready to reside with the petitioner. The petitioner will give possession on 15 kathas of land for the maintenance and marriage of the two daughters namely, Bandhan Kumari and Swati Kumari. The possession over the said land has already been given. The specification of the land has been brought on record by way of supplementary affidavit. As per the agreement the petitioner



was to take the complainant from her parental house on 12.03.2017 but it is submitted that the complainant is ready to go with the petitioner from the Court itself. The petitioner accepts the offer of the complainant. It is also agreed between the parties that the petitioner will deposit Rs.25,000/- in the name of each daughters within the period of one year.

Counsel for the complainant does not controvert contention of the learned counsel for the petitioner and the terms of agreement reached during mediation and submits that in spite of the fact that the petitioner has performed second marriage the complainant is ready to resume the conjugal life and on this condition the complainant is not opposing the prayer for anticipatory bail of the petitioner.

Both sides also agreed to withdraw their respective cases lodged by them.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, 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, Supaul in connection with



Complaint Case No. 895 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let this order along with report of the Mediator dated 06.03.2017 including terms of agreement be transmitted to the learned court below.

Either party will be at liberty to file appropriate application before this Court in case of breach of terms of agreement arrived at during mediation.

(Dinesh Kumar Singh, J.)

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