

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19919 of 2016

Arising Out of PS.Case No. -377 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Rajesh Jamadar @ Rajesh Jamedar Son of Jugeshwar Jamadar, R/o village
– Alampur Barh, P.S. – Barh, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Radha Devi D/o Sri Srawan Chauhan @ Shankar Chauhan, R/o village
– Ajgara, P.S. Bhadaur, District – Patna. At present R/o Village –
Gauraxani, P.S. – Barh, District – Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

08/ 10-03-2017

Heard learned counsels for the petitioner and

Mr. Parmeshwar Mehta, learned counsel for the State. None
appears for opposite party no. 2.

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
Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner that the petitioner disputes the factum of marriage
whereas the complainant claims to have performed marriage



with the petitioner.

On the joint prayer of the parties the matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority vide order dated 10.02.2017. The report of the Mediator at Flag 'K' dated 09.03.2017 reflects that the issue has been resolved and the parties decided to part ways on payment of one time settlement amount of Rs.1,50,000/-. The same was to be paid in three installments. First installment of Rs.50,000/- was paid to the complainant vide draft no. 192073 dated 06.03.2017 and thereafter the rest amount of Rs.1,00,000/- has to be paid in two installments of Rs.50,000/- each. They also decided to file appropriate application in the complaint case with regard to the present stand of the parties. Though, the counsel for the petitioner is present but none appears for the complainant-opposite party no. 2.

Keeping in view of the fact that the issue has been resolved during mediation, 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 Additional Chief Judicial Magistrate, Barh, District - Patna in connection with Complaint Case No. 377(C) of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The complainant will be at liberty to file application for cancellation of bail of the petitioner if the petitioner violates the terms of agreement reached during mediation.

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

(Dinesh Kumar Singh, J.)

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