

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27212 of 2015

Arising Out of PS.Case No. -95 Year- 2014 Thana -JOGBANI District- ARRARIA

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Md. Rayees, Son of Md. Umar @ Umar Hussain, resident of village -
Jhokhran Bratpur Ward No. 8, Police Station - Jogbani, District – Araria.

.... Petitioner

Versus

1. The State of Bihar.
2. Jaibun Khatun, daughter of Md. Rajid, resident of village- Baratpur,
P.O. Bhadeshwar, P.S. Jogbani(Bathnaha), District-Araria.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ramesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Satyendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 19-04-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Jogbani (Bathnaha) P.S. Case No. 95 of 2014 for the offences
instituted under Section 376 of the I.P.C.

The prosecution story, in brief, is that when the
informant had gone to cut grass, the petitioner committed rape
upon her against her will. When she raised cry, he promised to
marry her and thereafter he had sex with her several times. It is
further alleged that about 15 to 20 days before the case was
lodged, the informant felt pain in her abdomen. When she was
taken for treatment, it was found that she was carrying pregnancy



of three months. When a panchayati was held in this regard, the parents of the petitioner advised for abortion at their expenses.

The present case was referred to the Mediation Centre of the Patna High Court Legal Services Committee, Patna, vide order dated 09.09.2015. A report has been submitted by the Mediator dated 20.02.2017 which is as follows:

“MEDIATOR’S REPORT
Mediation Proceeding No. 877 of 2015
(Arising out of Cr. Misc. No. 27212 of 2015)

Md. Rayees
Versus
The State of Bihar & Anr

The dispute between parties has been resolved through the process of mediation, the terms of settlement mutually agreed upon by them is being attached herewith.

Sd/-
(Yogendra Prasad)
Mediator.”

The terms of settlement between the parties before the Mediator is as follows:-

“Patna High Court Mediation Centre
Memorandum of Agreement
Mediation Proceeding No. 877 of 2015
(Arising out of Cr. Misc. No. 27212 of 2015)

“An agreement made on 16.02.2017 at the Patna High Court Mediation Centre, between.

Md. Rayees, S/o Md. Umar @ Umar Hussain, resident of Village-Jhokhran Bratpur, Ward No. 8, P.S. Jogbani, District-Araria... ..(First Party).

And

Jaibun Khatoon, D/o Md. Rajid, resident of Baratpur, P.O.



Badesal, District-Araria.....(Second Party).

Both the parties along with their learned counsels are present.

In view of settlement of the dispute between the parties, both the parties are ready to settle the dispute by way of one time alimony on account of Rs. 1,00,000/- (Rupees One Lakh) only. Both parties shall withdraw their cases which are pending in the learned court below and the above said amount of Rs. 1,00,000/-(Rupees One Lakh) only has been paid in cash to the opposite party no. 2 in presence of her father that their will be not relation between the parties in future.

That on the above mentioned fact and circumstances of settlement has been arrived between the parties and both have signed/Thumb impression in present of their learned counsels, who have also put their signature on this agreement.

Thus the proceeding of mediation has succeeded.

(Md. Rayees)	R.T.I. of O.P. No. 2.
Signature of the petitioner	(Jaibun Khatoon)
Date- 16.02.2017	Signature of the opposite party
	No. 2.
	Date-16.02.2017.

Sd/- Ramesh Kumar Singh	Sd/- Gopal Kumar Jha.
16.02.2017	Signature of the Opposite party
Signature of the petitioner	No. 2, Advocate.
Advocate, A.O.R. No.	A.O.R. No. 09334
Date-16.02.2017.	Date- 16.02.2017. ”

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Jogbani (Bathnaha) P.S. Case No. 95/2014 on furnishing bail bond of Rs. 10,000/-(Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Further both parties are at liberty to proceed in accordance with law before the court below for dropping the prosecution by making a joint petition in light of the settlement arrived between the partiers. The court below shall pass a necessary order in light of the settlement arrived between the parties.

U.K./-

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(Sudhir Singh, J)

