

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4229 of 2017

Arising Out of PS.Case No. -1574 Year- 2009 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

- =====
1. Shivjee Prasad, S/o Ramdeyal Sah
 2. Sarwan Kumar @ Sarwan Kumar Madheiya S/o Shivjee Prasad
 3. Rekha Devi, w/o Shivjee Prasad All resident of village- Donwar, P.S. Yogapatti, Distt. West Champaran, at present address- Village- Belwa Jungal, P.S. Padrauna District- Kushinagar, UP

.... Petitioner/s

Versus

1. The State of Bihar
2. Chhathi Devi, W/o Shivjee Prasad D/o Late Bale Sah, Resident of Village – Mathiya, P.S. Lauriya, District- West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur, Advocate

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 10-04-2017

Heard learned counsel for the petitioners.

The petitioners are apprehending their arrest in connection with Complaint Case No. 1574-C of 2009, Trial No. S.C. 424/2016, filed for offences punishable under Sections 498A of the Indian Penal Code and Sections 3 /4 of the Dowry Prohibition Act.

It has been submitted on behalf of the petitioners that the marriage was solemnized 37 years ago with the opposite party no. 2 and the petitioner No. 1 and it appears that she has a son aged 25 years. It has further been submitted that with the consent of the opposite party No. 2, the petitioner had married again and



from the second marriage he has a son who is petitioner No. 2 and the petitioner No. 3 is his second wife. The petitioner is ready to keep the opposite party No. 2 with all dignity and care.

Heard learned A.P.P. and learned counsel for the opposite party No. 2 also.

Learned counsel for the opposite party No. 2 has submitted that the petitioner has shifted with his second wife and family at Padrauna and there is nobody in the family to look after her and as such she has filed the present case.

Considering the aforesaid aspect, let the petitioners surrender before the learned court below on 24.4.2017 and on that day the Opposite Party No. 2 will remain present in Court. Once the petitioner No. 1 surrendered and opposite party no. 2 is present, the matter will be referred by the Court below to the Mediation Centre for amicable settlement between the parties in order to provide maintenance to the Opposite Party No. 2.

In the meantime, the petitioners will be released on provisional bail.

Once the settlement is made between the parties amicably with regard to maintenance, the bail bond of the petitioners shall be confirmed and otherwise the learned court below is free to pass any order or orders which may be deemed fit



and proper.

Both the parties shall co-operate in the mediation before the Court below.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

S.Pandey/-

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