

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28294 of 2016

Arising Out of PS.Case No. -129 Year- 2015 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Ram Babu Mukhiya, Son of Nirdhan Mukhiya, resident of village- Godhiya
Fatehpur, Police Station- Bahadurpur and District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar.
2. Sumitra Devi, wife of Ram Babu Mukhiya, resident of village- Godhiya
Fatehpur, Police Station- Bahadurpur and District- Darbhanga.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Girish Chandra Jha, Advocate.
For the State : Mr. Umanath Mishra, A.P.P.
For the Complainant : Mr. Alok Kumar Jha, Advocate.

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

4 30-01-2017 Heard learned counsel for the petitioner, complainant
and learned counsel 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 Section 498(A) of the Indian Penal
Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that
non-bailable warrant of arrest has been issued on 13.05.2015.
Statement to that effect has been made in paragraph no. 3 of the



supplementary affidavit, which reads as follows:-

“That it is relevant to mention here that in the instant case non-bailable warrant of arrest has been issued against the petitioner on 13.05.2015 hence, the petitioner has great apprehension of arrest by the police.”

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is still ready to keep the complainant as wife with full dignity and honour, though, specific statement to that effect has not been made in the petition. It is further submitted that similar was the stand of the petitioner before the learned court below but the complainant refused to accept the offer of the petitioner since she was apprehensive due to the past conduct of the petitioner which gets reflected from the impugned order.

On notice being issued, the complainant appeared and on joint prayer of the parties, on 01.12.2016 the matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority. The report of the Mediator dated 25.01.2017 at Flag-‘M’ reflects that the issue has been resolved through the process of the mediation on payment of Rs. 15,000/- but with regard to return of the gifted ‘Palang’ to the complainant, learned counsel for the complainant has no instruction and both sides decided to part ways.



Learned counsel for the petitioner further submits that the payments have been made and 'Palang' has already been returned to the complainant. Learned counsel for the complainant submits that he has no basic instruction about the final outcome to the terms of the agreement arrived at before the Mediator.

Considering the fact that the issue has been resolved between the parties, 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 C.R. Case No. 129 of 2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Darbhanga, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The complainant agrees to withdraw the complaint case.

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

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(Dinesh Kumar Singh, J)

