

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30568 of 2016

Arising Out of PS.Case No. -387 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA

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Santosh Prasad Son of Shivnandan Prasad Resident of Banke Bazar, P.S.-
Banke Bazar, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Preeti Devi wife of Santosh Prasad Resident of Village- Bela, P.S.-
Imamganj, District Gaya Presently Residing at C/o Deo Nath Prasad
Village- Piprahi, P.S.- Gurua, District- Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. J.N. Thakur, APP

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

ORAL ORDER

05/ 07-02-2017

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

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case filed
with accusation under Sections 323, 504 and 498A of the Indian
Penal Code wherein processes have been directed to be issued
after cognizance being taken.

The basic accusation is of torture.

Learned counsel for the petitioner submits that
the petitioner admits his marriage with the complainant having
no issue. The accusation of torture has been levelled after 11



years of the marriage though from the impugned order it appears that the petitioner has performed second marriage.

On the joint prayer of the parties the matter was referred to the Mediation and Reconciliation Centre of the State Legal Services Authority vide order dated 17.10.2016. The report of the Mediator dated 23.12.2016 at Flag 'A' reflects that both sides agree to part ways on payment of one time settlement amount of Rs.1,20,000/-, out of which Rs.35,000/- has been paid to the complainant on 22.12.2016 and rest Rs.85,000/- will be deposited in S/B Account No. 19008100024751, Bank of Baroda, Chandisthan Branch, Gaya within a period of six months and both sides will withdraw/get the proceeding concluded of the cases lodged from their side.

Counsel for the complainant is not disputing the contention of the learned counsel for the petitioner particularly the agreement arrived at between the parties. In the circumstances, the counsel for the complainant is not opposing the prayer for anticipatory bail of the petitioner.

Considering the aforementioned circumstances, 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 Judicial Magistrate, Ist Class, Sherghaty, Gaya in connection with Complaint Case No. 387 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Either side will be at liberty to file appropriate application in case of breach of the terms of agreement arrived at between the parties.

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

(Dinesh Kumar Singh, J.)

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