

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32401 of 2016

Arising Out of PS.Case No. -51 Year- 2015 Thana -MAHILA P.S. District- BHAGALPUR

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Sanjay @ Samundar son of Late Chamak Lal Mandal resident of Mohalla - Koshi Nath Jha Lane, Gali No. 33, Near Mauji Lal Jha College, Police Station - Nathnagar, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shweta @ Bijli wife of Sanjay @ Samundar & Daughter of Kailash Prasad Singh resident of Mohalla - Koshki Nath Jha Lane, Gali No. 33, Near Mauji Lal Jha College, Police Station - Nathnagar, District - Bhagalpur, Presently residing at Mohalla - Lodipur, Police Station - Lodipur, District - Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Masleh-Uddin Ashraf, Advocate

For the State : Mr. Md. Mustaque Alam, APP

For the Opposite Party/s : Mr. Mritunjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 20-02-2017

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

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 506/34, 313, 377 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand, getting the pregnancy of the informant terminated and committing unnatural offence.

It is submitted by learned counsel for the



petitioner that the petitioner admits his marriage with the informant having no issue and there is no medical report with regard to getting the pregnancy of the informant terminated and committing unnatural offence.

On the joint prayer of the parties vide order dated 03.10.2016 the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority. The report of the Mediator dated 17.01.2017 at Flag 'A' reflects that the petitioner and the informant have decided to part ways on payment of one time settlement amount of Rs.4,50,000/-. However, terms of payment has not been fixed by the Mediator.

It is submitted by learned counsel for the petitioner that it is agreed that the petitioner will make payment of 25% of the alimony amount of Rs.4,50,000/- within a period of fifteen days by submitting bank draft to that effect before the learned court below i.e. SDJM, Bhagalpur which will be released by the learned court below in favour of the informant. Both sides also agree to file matrimonial suit under Section 13B of the Hindu Marriage Act within a period of four weeks before the learned Principal Judge, Family Court, Bhagalpur. The rest amount will be paid by the petitioner through bank draft within a period of six months in six equal installments before the learned Principal Judge, Family Court,



Bhagalpur which will be released in favour of the informant except the last draft which will be release on the date of decree in matrimonial case is passed. The parties further agreed that the informant will file appropriate application with regard to the present stand of the parties before the learned SDJM, Bhagalpur in Bhagalpur Mahila P.S. Case No. 51 of 2015.

Mr. Mritunjay Kumar, learned counsel for the informant does not controvert the contention of the counsel for the petitioner and is not opposing the prayer for anticipatory bail of the petitioner.

In the 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Bhagalpur in connection with Bhagalpur Mahila P.S. Case No. 51 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is expected from learned Principal Judge, Family Court, Bhagalpur and learned SDJM, Bhagalpur to dispose of the matrimonial suit, if filed, and Bhagalpur Mahila P.S. Case



No. 51 of 2015 respectively in accordance with law expeditiously particularly in view of the present stand of the parties.

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

Let the order be transmitted to the learned court below along with the terms of agreement arrived at between the parties during mediation.

(Dinesh Kumar Singh, J)

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