

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30622 of 2016

Arising Out of PS.Case No. -2131 Year- 2015 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Moti Kumar Sahni S/o Baleshwar Sahni, R/o village Garjaul Paharpur, Tola
Gadahia, P.S. Mahua, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nilam Devi W/o Moti Kumar Sahni D/o Ram Lagan Sahni, At present
R/o village Baghi Harpur, P.S. Maniyari, Distt. Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Smt Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 19-01-2017

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the State Legal Services Authority vide order dated 03.10.2016. The report of the Mediator at Flag-A dated 13.01.2017 reflects that the issue has been resolved between the parties as both sides have decided to part ways on payment of permanent alimony of Rs. 80,000/- to be paid by the petitioner to the complainant in two installments through bank drafts. Both sides also decided to file appropriate application for compromise/withdrawal of cases filed



against each others. They also decided to file a petition under Section 13(B) of the Hindu Marriage Act with a prayer for dissolution of marriage.

Learned counsel for the complainant does not controvert the terms of the agreement reached before the Mediator. Hence, counsel for the complainant is not opposing the prayer for bail of the petitioner.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail 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, 1st Class, Vaishali at Hajipur in connection with Complaint Case No. 2131 of 2015, Trial No. 1173 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The complainant will be at liberty to file appropriate application before this Court if the petitioner fails to comply the terms of the agreement reached before the Mediation Centre.

Let the order of this Court along with the report of the Mediator including a copy of the terms of the agreement, be transmitted to the learned Court below.

(Dinesh Kumar Singh, J)

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