

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12403 of 2017

Arising Out of PS.Case No. -451 Year- 2016 Thana -BUXAR District- BUXAR

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Devbrat Rai Son of Manoj Kumar Rai @ Manoj Rai, Resident of Village-
Saraiyan , P.S.- Narahi, Dist.- Baliya(UP).

.... Petitioner

Versus

1. The State of Bihar
2. Nitu Kumari Wife of Devbrat Rai, D/o Sashikant Thakur, Presently
Resident of Civil Line Buxar, P.S.- Buxar, Town-Dist.- Buxar.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Binod Kumar Singh, Advocate.
For the State : Mr. Ahtash Ali Khan, A.P.P.
For the O.P. No. 2 : Mr. Neerad Parashar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 12-12-2017 Heard learned counsel for the petitioner, learned

counsel for the opposite party no. 2 and learned counsel for the

State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 323, 504, 498(A), 506/34 of
the IPC and ¾ of the D.P. Act.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfillment of demand of dowry.

Vide order dated 06.07.2017, the matter was referred
to the Patna High Court Mediation and Conciliation Centre. As per



the report of the Mediator, the dispute has been settled between the parties.

The following is the report of the Mediator:-

“Patna High Court Mediation Centre
Memorandum of Agreement
Mediation Proceeding No. 662 of 2017
(Arising out of Cr. Misc. No. 12403 of 2017)

An agreement made on 04.12.2017, at the High Court Patna Mediation Centre between

Devbrat Rai, Son of Manoj Kumar Rai @ Manoj Rai, resident of Village- Bairiya, P.S. Narahi, District-Balia (U.P.)....(First Party)

And

Nitu Kumari, wife of Devbrat Rai, D/O Sashikant Thakur, resident of Civil Line Buxar, P.S. Buxar, Town, District-Buxar..(Second Party)

Both parties and their counsels are present. Disputes between the parties settled through the process of mediation on following grounds:-

1. Both parties are ready to dissolve their matrimonial relation on full and final consideration amount of Rs. 10,00,000/- (Rupees Ten Lakh) which will be paid by the petitioner Devbrat Rai to Nitu Kumari, complainant (opposite party no. 2) and out of which Rs. 2,00,000/- (Rupees Two Lakh) was paid to opposite party No. 2 vide Draft No. 792463 dated 22.09.2017 before the mediation proceeding on 14.11.2017 and remaining Rs. 8,00,000/- (Rupees Eight Lakh) will be paid by the petitioner (husband) namely Devbrat Rai in mutual divorce case before the Principal Judge, Family court, Buxar, at the time of recording the statement of both parties before the learned Family Court, Buxar.
2. Both parties are agreed to file mutual divorce case before the Family Court, Buxar, within a month.
3. Opposite Party No. 2 namely, Nitu Kumari, is also agreed to withdraw all the cases which have been filed against the petitioner and his family members before any appropriate court within a month.



4. That content of this compromise have been read over to the parties and explained in Hindi and they have fully understood the same. Hence, mediation is successful.

Sd/- (Devbrat Rai)
Signature of the petitioner
Date-04.12.2017

Sd/- (Nitu Kumari)
Signature of the opposite
party No. 2
Dated 04.12.2017.

Sd/-Binod Kumar Singh
Signature of the petitioner
A.O.R. No. 00632
Dated 04.12.2017

Sd/- Neerad Parashar
Signature of the Opposite
Party No. 2, Advocate
A.O.R. No. 5918
Dated 04.12.2017.”

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioner has further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

Considering the fact that the matter has already been settled between the parties, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned C.J.M. Buxar, in connection with Buxar (T) P.S. Case No. 451 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It has further been pointed out that in light of the settlement arrived at between the parties, all necessary steps should be taken on behalf of the parties for resolving all litigations including the matter relating to the Family Court and Criminal Cases within a period of six months from the date of receipt/production of copy of this order.

Taking into account that the matter has already been settled between the parties, learned court below shall consider and take all necessary steps for dropping the prosecution for the ends of justice.

U.K./-

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(Sudhir Singh, J)

