

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31065 of 2017

Arising Out of PS.Case No. -930 Year- 2016 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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Subhash Mishra @ Professor Subhash Mishra, S/o Sri Chiranjeev Mishra, Resident of Village- Kharajpur, P.S. Bahadurpur, District- Darbhanga, at present Associate Professor, Indraprasth Engineering College, P.S. Sahibabad, District Gaziabad (Uttar Pradesh).

.... Petitioner

Versus

1. The State of Bihar.
2. Pratibha Thakur, W/o Professor Subhash Mishra, D/o Professor Girish Kumar Thakur, R/o Ramdayalu Nagar, Lane No. 4, P.S. Kaji Mohammadpur, District Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Harsh Singh, Advocate.

For the State : Mr. Sanjay Kumar Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 11-12-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Section 498(A) of the IPC.

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 06.09.2017, the matter was referred to the Mediation & Conciliation Centre, Patna High Court, Patna. As per the report of the Mediator, the issue has been settled



between the parties. The following are the terms and conditions arrived between the parties.

“Patna High Court Mediation Centre
Memorandum of Agreement
Mediation Proceeding No. 825 of 2017
(Arising out of Cr.Misc. No. 31065 of 2017)

An agreement made on 01.12.2017 at the High Court Patna Mediation Centre, between.

Subhash Mishra @ Professor Subhash Mishra, S/O Sri Chiranjeev Mishra, resident of Village-Kharajpur, P.S. Bahadurpur, District-Darbhangha at present Associate Professor, Indraprasth Engineering College, P.S.- Sahibabad, District-Gaziabad (Uttar Pradesh).

.First Party/Petitioner.

And

Pratibha Thakur, wife of Professor Subhash Mishra, D/O Professor Girish Kumar Thakur, R/O Ramdayalu Nagar, Lane No. 4, P.S. Kaji Mohammadpur, District-Muzaffarpur.

--Second Party/Opposite Party No. 2.

The present mediation has been settled in presence of husband (Subhash Mishra @ Professor Subhash Mishra) and wife (Pratibha Thakur) as well as their respective lawyers and in the presence of Dr. Girish Kumar Thakur, father of Second Party/Opposite Party No. 2, on the following terms and conditions:-

1. That both parties are ready to restore their conjugal relation and accordingly agreeable to lead happy and peaceful conjugal life.
2. That Second Party/Opposite Party No. 2 shall, for the present, reside at her Naihar place along with her daughter, namely, Pranshu aged about 09 years and her



presents at Ramdayalu Nagar, Lane No. 4, P.S.-Kaji Mohammadpur, District-Muzaffarpur. After some time the First Party/Petitioner and Second Party/Opposite Party No. 2, will take an appropriate decision with regard to place of residence.

3. That till then the First Party/Petitioner shall visit once in a month at his wife's place of residence i.e., at his Sasural place at Muzaffarpur.
4. That the Second Party/Opposite Party No. 2 shall take steps for withdrawal of Complaint Case No. 930/2016, pending in the court of learned S.D.J.M. Muzaffarpur.
5. That both the parties shall give due and proper regard to each other and also they will give respect to family members of each other.
6. That in above terms and conditions, a matrimonial dispute are resolved and today onward, the First Party/Petitioner and Second Party/Opposite Party No. 2 shall lead happy and peaceful conjugal life.

That the above contents of this agreement have been read over by the parties who have fully understood and accepted the same.

That in the above terms and conditions a settlement has been arrived at between the parties and both have signed on this agreement paper in presence of their learned counsels, and also father of the opposite party no. 2 who have also put their signature on this agreement paper.

Sd/-Subhash Mishra
(Subhash Mishra)
Signature of the First Party/
Petitioner

Sd/-Pratibha Thakur
(Pratibha Thakur)
Signature of Opposite
Party no. 2



Dated 01.12.2017

Dated 01.12.2017.

Sd/-Girish Kumar Thakur
(Girish Kumar Thakur)
Signature of father of the opposite
party no. 2
Dated 01.12.2017.

Sd/ Hansh Singh
Signature of the Petitioner's
Advocate
A.O.R. 7175
Dated 01.12.2017

Signature of the
Opposite Party No.2
Advocate
A.O.R. No. 04940
Dated 01.12.2017.”

Considering the fact that the parties have settled the issue, 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 A.C.J.M.-cum-Sub Judge-1st, Muzaffarpur, in connection with Complaint Case No. 930 of 2016, corresponding to Trial No. 472 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

