

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2510 of 2017

Arising Out of PS.Case No. -52 Year- 2016 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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Ajay Sahani, son of Lalbabu Sahani, resident of Village- Dumari, P.S.-
Sugauli, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Madhuri Devi, daughter of Kailash Sahani, resident of Village-
Laxmipur Madhumalti, P.S.- Sugauli, District- East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate.

For the State : Mr. Kalyan Shankar, A.P.P.

For the O.P. No. 2 : Mr. Arvind Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 15-12-2017 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the opposite party no.

2.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 341,342, 504,323, 506, 406,
494,498(A)/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 15.05.2017, the matter was referred
to the Patna High Court Mediation Centre, Patna. As per the report



of the Mediator, the matter has been settled between the parties.

The following are the terms and conditions of the settlement between the parties:-

“Patna High Court Mediation Centre
Memorandum of Agreement
Mediation Proceeding No. 509 of 2017
(Arising out of Cr. Misc. No. 2510 of 2017)
Ajay Sahani
Versus
The State of Bihar & Anr.

Both the petitioner and opposite party no. 2 are present with their respective counsels.

As per agreement arrived at between the parties on 09.10.2017 petitioner is handing over the Demand Draft of Rs. 3,35,000/- (Three Lacs Thirty Five Thousand Only) to the opposite party no. 2 which the O.P. No.2 is acknowledging the receipt of the same.

The dispute between the parties are resolved on following terms:-

1. After entering into this agreement, the parties (i.e. petitioner and O. P. No. 2) have agreed to part away from each other and accordingly they will file joint petition before the competent court for judicial separation.
2. After this settlement, parties have agreed to withdraw all the cases including the Mahila P.S. Case No. 52/16 and Maintenance Case No. 356/2016 filed against each other before the learned court below.
3. After this settlement and receipt of agreed amount, the O.P. No.2 (wife) will not make any further claim to the petitioner in future.
4. Both the parties have agreed to lead their independent life henceforth.
5. Parties have agreed on the issue that up to the age of 18 years, the female child aged one and half years born out of the wedlock of petitioner and O.P. No. 2 shall remain custody of O.P. No.2
6. The petitioner has further agreed to return the furniture of O.P. No. 2.
7. The parties have signed this agreement on their own free



will and without any threat.

On the aforesaid terms and conditions, the dispute between the parties are resolved and as such this mediation succeeds.

Sd/-(Ajay Sahani)
(Ajay Sahani)
Signature of the petitioner
Date-21.11.2017

Sd/-(Madhuri Devi)
(Madhuri Devi)
Signature of the opposite
party no. 2
Date-21.11.2017

Sd/-(Abhishek Kumar)
For Umesh Chandra Verma
Signature of the petitioner
A.O.R. No. 03143
Date-21.11.2017

Sd/-Arvind Kumar Singh
Signature of the Opposite
Party No. 2, Advocate
A.O.R. No. 06746
Date-21.11.2017”

Considering the fact that the parties have settled the dispute, 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 S.D.J.M. Sadar, East Champaran at Motihari, in connection with Mahila P.S. Case No.52 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

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(Sudhir Singh, J)

