

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15896 of 2017

Arising Out of PS.Case No. -278 Year- 2016 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Genu Mukhiya, Son of Nandu Mukhiya, Resident of Village- Balkahwa,
P.S.- Chiutaha, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Tetari Devi, Wife of Genu Mukhiya, Daughter of Jokhu Mukhiya,
Resident of Village- Balkahwa, P.S.- Chiutaha, District- West
Champaran. At present- Resident of Village- Murli Majhariya, Post-
Belwa Bahuari, P.S.- Gaunaha, District- West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate.
For the State : Mr. Sanjay Kumar Sharma, A.P.P.
For the O.P. No. 2 : M/S. Sanjay Kumar No. 7 and Anant Kumar
Mishra, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 05-02-2018 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 498(A) and 4 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 31.08.2017, the matter was referred
to the Mediation and Reconciliation Centre, of the Patna High
Court. As per the report of the Mediator, the matter 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. 813 of 2017
(Arising out of Cr. Misc. No. 15896 of 2017)

An agreement made on 30.01.2018 at the High Court Patna Mediation Centre, between.

Genu Mukhiya, Son of Nandu Mukhiya, resident of Village- Balkahwa, P.S.-Chiutaha, District-West Champaran...(First Party).

And

Tetari Devi, wife of Genu Mukhiya, D/O Jokhu Mukhiya, resident of Village- Balkahwa, P.S. -Chiutaha, District-West Champaran at present resident of Village- Murli Majhariya, P.O. Belwa Bahuari, P.S. Gaunaha, District-West Champaran.....(Second Party).

Both the parties came to the amicable settlement on the following terms and conditions:-

1. That first party (husband) will pay Rs. 51,000/-(Rupees Fifty One Thousand) in terms of Fixed Deposit in favour of the Second Party by end of the month July, 2018.
2. That First Party will pay Rs. 2,000/-(Rupees Two Thousand) by 20th of each and every month to the second party (opposite party no.2) from February, 2018.
3. That First Party shall deposit the aforesaid amount of Rs. 2,000/- (Rupees Two Thousand) every month in the Bank account of opposite party no. 2 (wife) which will be provided by the Second Party (Opposite Party No. 2).
4. That both parties are ready to amicably settle their dispute. That the Second Party (Opposite Party No. 2) will reside with her husband in matrimonial house peacefully and the First Party (husband) will look after her and fulfill her genuine requirement.
5. That both the parties shall withdraw their all cases filed against each other, pending in the court below, including Maintenance Case No. 61 of 2016 and Complaint Case No. 278C of 2016 and the cases filed by the First Party.
6. That the above contents of the agreement have been read



over and explained to us in Hindi which we have fully understood and accepted there upon.

7. That in the above terms and conditions, a settlement has been arrived at between the parties and both have signed in presence of their learned counsels, who have also put their signature on this agreement.

Sd./Genu Mukhiya	RTI of Tetari Devi
(Genu Mukhiya)	Sd./Sanjay Kumar No.7,
Signature of the petitioner	Advocate.
Date- 30.01.2018.	(Tetari Devi)
	Signature of opposite party no.2
	Date-30.01.2018.
Sd./Bimlesh Kumar Pandey	Sd./-Sanjay Kumar No. 7.
Advocate.	
Signature of the petitioner	Signature of the Opposite Party
Advocate.	No. 2, Advocate.
A.O.R. No. 00731.	A.O.R. No. 01687.
Date-30.01.2018.	Date- 30.01.2018.”

Considering the aforesaid facts and circumstances, 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. Bettiah, West Champaran, in connection with S.C. No. 1048 of 2016 (arising out of Complaint Case No. 278C 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)

