

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32336 of 2017

Arising Out of PS.Case No. -625 Year- 2016 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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1. Om Prakash Mandal, son of Bhadai Mandal, resident of Village-
Belbihma, P.S.- Harpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sonam Devi, wife of Om Prakash Mandal, daughter of Radhey Shyam
Mandal, resident of Dhoura, P.S.- Harpur, District- Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sri Uday Chand Prasad, APP
Mr. Rana Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 25-01-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in **Complaint Case**
No.625-C of 2016 instituted for the offence under Section(s) 147,
323, 379, 497, 498-A, 504 Indian Penal Code and Section 3/4 of
the Dowry Prohibition Act.

Counsel for the petitioner and the Opposite Party
No.2 are present and have jointly submitted that matter was sent
to Mediation Centre and the matter has been amicably settled
between the parties. The petitioner has agreed to make payment
of rupees eighty thousand as permanent alimony to the Opposite
Party No.2 to which Opposite Party No.2 has agreed.



Counsel for the petitioner has submitted that he is ready to make payment of rupees eighty thousand within a period of three months.

But report of the Mediator is available in the record, wherein, it has been stated that mediation has failed.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. **Chief Judicial Magistrate, Munger**, within a period of four weeks from the date of receipt of copy of this order in connection with **Complaint Case No.625-C of 2016** and make payment of rupees twenty thousand to the Opposite Party No.2 as well as file an Affidavit that he will make payment of the remaining sixty thousand rupees to the Opposite Party No.2 within a period of next two months from the date of his surrender in terms of agreement arrived at during mediation in Hon'ble Court in Mediation Centre, and in that event the Court below will release the petitioner on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and



shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

It is made clear that in the event the petitioner fails to make payment of remaining amount of rupees sixty thousand to Opposite Party No.2, as ordered above, or Opposite Party No.2 after appearance in Court, denies about entering into one time settlement in Mediation Centre, as stated in Affidavit by the petitioner, the Court below will pass appropriate order in accordance with law including cancelling bail bond of the petitioner.

It is expected that both parties will withdraw the case filed against each other in the event the matter has been settled between them after making full payment to the Opposite Party No.2 by the petitioner.

(Sanjay Priya, J)

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