

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37516 of 2018

Arising Out of PS. Case No.-5 Year-2018 Thana- MAHILA P.S. District- Lakhisarai

Deepak Kumar Sah, S/o Late Debnarayan Sah, Resident of Street No. 34,
Qtr. No. 4/D, Area-6, Amladahi, P.S.- Chittaranjan, District- Bardhaman
(W.B.).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Baby Shimpee, D/o Mahendra Prasad Sahu, Resident of Bye-Pass
Road, Jakhraj, Asthan, Ward No. 17, P.S.- Kabaiya, District- Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APPP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 30-11-2018 Heard learned counsels for the petitioner, informant
and the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 498A, 325, 313, 406 and 506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Initially, the prosecution case got initiated with filing of Complaint Case No.155C of 2018 , which came to be registered as police case, being Lakhisarai Mahila P.S. Case No. 05 of 2018, after its being transferred under Section 156(3) of the Code of Criminal Procedure. The prosecution case is that the



informant was married with the petitioner on 30.05.2010. Subsequently, further dowry demand of Rupees Three Lacs and five grams gold was made and due to non-fulfillment of the same, torture was inflicted on the informant. It is further alleged that on 28.03.2013, the informant was assaulted badly by the petitioner and other in-laws family members which resulted into impairment of her eye vision. On 15.04.2014, the informant was again assaulted badly, as a result, her pregnancy got terminated. On 25.03.2018, father of the informant came to her in-laws house and took the informant on the pretext of getting her treated at Nepal when the accused person took all the jewellery, academic qualification certificates and cash of Rupees Twenty Thousand from the informant.

This Court vide order dated 29.06.2018, on the submission of the petitioner to the effect that he is ready to keep the informant as wife with dignity and honour directed for issuance of notice to informant- Opposite Party No.2. Consequently, on joint prayer of the parties, vide order dated 11.10.2018, the matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority, though report has been submitted by Patna High Court Mediation and Conciliation Centre, which is kept at Flag- 'C'. The report of the Mediator



suggests that the issue has been reconciled between the parties through the process of mediation. A memorandum of agreement was also prepared, which is annexed with the report.

The petitioner and the informant are present in the Court.

It is jointly submitted by the parties that both, the petitioner and the informant are residing together and the issue has been reconciled for the present. However, the complainant is apprehensive due to the past conduct of the petitioner.

Considering the present stand of the parties, particularly, the report of the mediator as well as an agreement executed between the parties, let the above named petitioner be released on anticipatory bail provisionally for six months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Lakhisarai, in connection with Lakhisarai Mahila P.S. Case No.05 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned Court below will keep in observance and monitor the conduct of the parties in view the terms of agreement arrived at during mediation proceeding and on



substantial restoration of matrimonial harmony, within the period of six months, the provisional bail of the petitioner will be confirmed by the learned Court below. The provisional bail of the petitioner will also be confirmed, if the informant fails to appear before the learned Court below or gets reluctant to reconcile the issue. But the provisional bail of the petitioner will not be confirmed by the learned Court below if the petitioner fails to abide by the terms of agreement arrived at during the mediation proceeding.

Let the terms of agreement and the report of the mediator, kept at Flag- 'C', along with the present order be transmitted to the learned Court below through FAX/E-mail.

(Dinesh Kumar Singh, J)

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