

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32324 of 2017

Arising Out of PS. Case No.-1042 Year-2016 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Umesh Kumar Singh, S/o Parsuram Singh, resident of Village- Kusiya, P.O.-
Karua, P.S.- Chakmehshi, District- Samastipur, at present residing at Plot
No.87, Gyan Bihar Sector-2 Ward No.03 B.I.T.S. Pilani, District- Jhunjhun
(Rajasthan).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sabita Kumari, W/o Umesh Kumar Singh, D/o Sadhusaran Mahto, R/o
Kasiya, P.O.- Karua, P.S.- Chakmehshi, District- Samastipur, at present
residing in the house of Sarita Singh, W/o Yaswant Singh, R/o Village-
Kasbey Aahar, P.S.- Tajpur, District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Shiva Shankar Sharma, Advocate
For the State	:	Mr. ANIL KUMAR, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 05-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 498A, 406 of the Indian Penal Code.

Allegation against the petitioner is of committing torture
upon the victim due to non-fulfilment of demand of dowry.

The matter was referred to the Mediation Centre vide order
dated 01.12.2017. In view of the report of the Mediator, the
matter has been settled between the parties.

Following is the report of the Mediation :

Patna High Court Medication Centre



Memorandum of Agreement
Mediation Proceeding No. 961 of 2017
(Arising out of Cr. Misc. No. 32324 of 2017)

An agreement made on 29.01.2018 at the Patna High Court Medication Centre, between.

Umesh Kumar Singh, son Parsuram Singh, resident of village- Kusiya, P.O.- Karua, P.S.- Chakmehshi, District- Samastipur, at present residing at Plot No. 87, Gyan Bihar Sector-2, Ward No.03, B.I.T.S., Pilani, District- Jhunjhun (Rajasthan).

.... (First party)

And

Sabita Kumari, wife of Umesh Kumar Singh, D/o- Sadhusaran Mahto, resident of Village- Kusiya, P.O.- Karua, P.S.- Chakmehshi, District- Samastipur, at present residing in the house of Sarita Singh, W/o- Yaswant Singh, R/o- Village Kasbey, P.S. + P.O.- Tajpur, District- Samastipur.

..... (Second Party)

In view of the order dated 01.12.2017 passed by the Hon'ble High Court, Patna in Cr. Misc. No. 32324 of 2017 the aforementioned mediation proceeding was stated. Due to sincere efforts and co-operation of the parties the dispute between the parties has been resolved in terms of following terms conditions:-

1. The petitioner namely Umesh Kumar Singh will file a divorce suit before the appropriate family court on the ground "with consent" and the petitioner shall pay Rs. 2,00,000/- (Rupees Two lakh) before taking signature of the opposite party No. 2 namely Sabita Kumari on the consent petition thereafter the petitioner shall pay the rest amount of Rs. 2,00,000/- (Rupees Two Lakh) to the opposite party No. 2 prior to confession before the court. The opposite party No. 2 shall give her consent before the court for divorce after receiving the entire amount of one time settlement of Rs. 4,00,000/- (Rupees Four Lakh). The entire exercise of divorce case, till the date of taking confession before the court, shall be completed within three months from the date of disposal of the aforementioned Cr. Misc. No. 32324 of 2017.



It the petitioner does not pay the amount of Rs. 2,00,000/- (Rupees Two Lakh) after taking signature of the opposite party No. 2 on divorce petition within time then the petitioner shall not claim any amount paid to the opposite party No. 2 prior to the confession that is at the time of taking signature on the petition.

2. The opposite party No. 2 namely Sabita Kumari shall file petition before the court below where the Complaint Case No. 1042 of 2016 U/s 498A I.P.C. and M. Case No. 121 of 2016 are pending in each case for withdrawal of the case and shall withdraw her both the aforementioned cases rest are giving her consent in the divorce case. The petitioner shall bear the entire expense of withdrawal both case.

3. The petitioner shall be entitled for payment of maintenance amount only till the date of final payment of Rs. 4,00,000/- (Rupees Four Lakh).

4. The parties shall have no grievance from each other after divorce and disposal of the aforementioned cases.

5. That the aforesaid contents of the agreement have been read over and explained in Hindi, which have fully been understood and accepted by the parties.

Hence, in the above terms and conditions a settlement has been arrived at between the parties and both have signed.

Sd/-
(Umesh Kumar Singh)
Signature of the petitioner
Date:-29.01.2018

Sd/-
(Sabita Kumari)
Signature of the opposite party No.2
Date:-29.01.2018

Sd/-
Signature of the petitioner Advocate
A.O.R. No.03633
Date:-29.01.2018

Sd/-
Signature of the opposite party No.2 Advocate
ENL No.415/2014
Date:-29.01.2018

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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 learned Chief Judicial Magistrate, Samastipur in connection with Complaint case No.1042 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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