

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32558 of 2017

Arising Out of PS. Case No.-3029 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Shailesh Kumar Roy, Son of Ram Chandra Prasad, Resident of Gopal Nagar,
Back Side of Nawada Block, P.s.-Nawada, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Babita Kumari, wife of Shailesh Kumar Rai, daughter of Ram Narayan
Yadav, presently residing at House No.9, Road No.11, East Patel Nagar, P.S.
Shastri Nagar, District Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Gopal Bohra, Advocate
For the State	:	SMT RENU KUMARI, APP
For opposite party No.2	:	Mr. V. Kr. Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 04-01-2018 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the opposite party No.2.

The petitioner is apprehending his arrest in a case
registered under Sections 498A, 323, 324, 199, 420, 465, 384,
307, 406, 120B, 497, 506/34 of the Indian Penal Code and $\frac{3}{4}$ of
Dowry Prohibition Act.

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

The matter was referred to the Mediation Centre, Patna
High Court vide order dated 13.07.2017. As per the report of the
Mediator, the matter has already been settled between the



parties.

Following is the report of the Mediator :

Patna High Court Mediation Centre
Memorandum of Agreement
Mediation Proceeding No.709 of 2017
[Arising out of Cr.Misc.No.32558 of 2017]

Dr. Shailesh Kumar Roy son Ram Chandra Prasad resident of village- Gopal nagar, Back side of Nawada Block, P.S. Nawada, District Nawada.

.... 1st Party

And

Dr. Babita Kumari w/o Dr. Shailesh Kumar Roy, D/o Ram Narayan Yadav present at House No.09 Road No.11 East Patel Nagar, P.S. Shastri Nagar, District Patna.

..... 2nd Party

Both the parties appear before the mediation proceeding alongwith their counsels and ready to resolved the dispute through the mediation proceeding on the following terms and condition in final memorandum of agreement :-

1. That the petitioner has executed a deed of gift bearing no.5430 dated 14.12.2017, in respect of private plot no.c-2 measuring an area 1800 squire feet (167.286 square metter) Sah pargana and Tashil Roorkee, District Hardwar in favour of Babita Kumari.
2. That the petitioner is agreed upon that he will not challenge the aforesaid deed of gift in any manner.
3. That the parties are agreed upon to file a divorce petition with mutual consent before the appropriat court below under section 12(B) of the Hindu Marriage Act.
4. That the petitioner is agreed upon that as alleged by the opposite party no.2 in respect of document, regarding land of her father and brother of the opposite party no.2 will not



misused in any manner.

5. That after settlement between the parties both the parties will withdraw the cases filed against each other.

6. The opposite party no.2 agreed upon to file a withdrawal petition in respect of complainant case bearing no.3029 of 2017 pending in the court of sub divisional judicial magistrate Patna till 14.01.2018.

7. That the both the parties will free from their matrimonial life and liability.

8. That aforesaid terms and condition has been read over and explain to both the parties as well as their counsels which are excepted by them and they have signed on the memorandum of agreement.

Sd/-
(Dr. Shailesh Kumar Roy)
Signature of the petitioner
Date-20.12.2017

Sd/-
(Dr. Babita Kumari)
Signature of the opposite party No.2
Date-20.12.2017

Sd/-
Signature of the petitioner Advocate
A.O.R. No. -02519
Date-20.12.2017

Sd/-
Signature of the O.P. No.2 Advocate
A.O.R. No. -03097
Date-20.12.2017

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner has relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the State and learned counsel for the opposite



party No.2, it is submitted that the petitioner is named in the complaint case.

Considering the aforesaid facts and circumstances and the fact that the matter has already been settled between the parties, 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 S.D.J.M., Patna in connection with Complaint case No.3029C 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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