

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38411 of 2017

Arising Out of PS. Case No.-78 Year-2017 Thana- PIPRA District- East Champaran

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Jiyalal Ram Son of Dhuri Ram, resident of Village- Bherakhiya, P.S.- Pipra,
District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sharmila Devi wife of Jiyalal Ram, D/o- Laxman Ram, present resident of Village- Chintamanpur, P.S. Pipra, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Vibhakar Kumar, Advocate
For the State	:	Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 04-01-2018 None appears on behalf of the opposite party No.2.

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
and $\frac{3}{4}$ of Dowry Prohibition Act.

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, Patna
High Court vide order dated 09.10.2017. 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.99 of 2017

[Arising out of Cr.Misc.No.38411 of 2017]

An agreement made on 07.11.2017 at the Patna High Court Mediation Centre, between

Jiyalal Ram Son of Dhuri Ram, resident of village- Bherakhiya, P.S.- Pipra, District East Champaran.

.... (First Party)

And

Sharmila Devi wife of Jiyalal Ram, D/o Laxman Ram, resident of village- Chintamanpur, P.S. Pipra, District East Champaran.

..... (2nd Party)

The aforementioned proceeding has been initiated in view of the order dated 09.10.2017 passed by the Hon'ble Court in Cr.Misc.No.38411 of 2017. Due to sincere effort and co-operation of the parties the disputes resolved in the following terms:-

1. The opposite party no.2 namely Sharmila Devi will be compromise petition in Pipra P.S. case No.78/2017, T.R. No.2246/17 pending in the court of C.J.M. Motihari so that as are mentioned case will not proceed further within 15 days from the date of disposed of mentioned Cr.Misc.Case.
2. The opposite party no.2 namely Sharmila Devi will withdraw her maintenance case filed against the petitioner which is pending at Motihari within 15 days from the date of disposal of aforementioned Cr.Misc.Case.
3. The petitioner shall bear the entire legal case of the court below which will over in withdrawal the aforementioned cases.
4. The petitioner under takes that he will keep the opposite party no.2 with her full dignity and in future he will not torture the opposite party no.2 either mentally or bodily/physically.
5. The petitioner further under takes that if he will commit any violation of this agreement then he will be fully responsible for the same and he shall bear the punishment in accordance with law.



6. The opposite party no.2 also under takes that the shall maintain the dignity of her husband and she shall not creates torture in family.

7. Both the parties are ready to live together as such the petitioner shall bring the opposite party no.2 from her maikey within a week.

8. Now the parties shall have no grievances with each other.

In the aforesaid terms and conditions the mediation succeeds.

Sd/-
(Jiyalal Ram)
Signature of the petitioner
Date-07.11.2017

Sd/-
(Sharmila Devi)
Signature of the opposite party No.2
Date-07.11.2017

Sd/-
ENO- 821/012
Signature of the petitioner Advocate
A.O.R. No.
Date-07.11.2017

Sd/-
ENT No.-1085/14
Signature of the opposite party No.2 Advocate
A.O.R. No.
Date-07.11.2017

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 case is triable by the Magistrate. 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, it is submitted that the petitioner is named in the F.I.R. case.

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 C.J.M., Motihari in connection with Pipra P.S. case No.78 of 2017 arising out of G.R. case No.2246 of 2017, 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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