

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3787 of 2017

Arising Out of PS.Case No. -714 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Raj Verma, Son of Dinesh Prasad, Resident of Village-Bhopatpur Bajhiya,
P.S.-Kotwa, District-East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Chandani Devi, daughter of Krishna Prasad, Resident of Village-Bhopatpur Bajhiya, P.S.-Kotwa, District-East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Abhishek Kumar @ Sonu Babu,
Advocate.
For the State : Mr. Arun Kumar Singh -5, A.P.P.
For the O.P. No. 2 : None.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 06-02-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State. None appears for opposite party no. 2.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 498(A) of the IPC and 3/4 of
the D.P. Act.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfillment of demand of dowry.

The matter was referred to the Patna High Court
Mediation Centre on 17.02.2017. As per the report of the
Mediator, the matter has been settled between the parties.



The following are the terms and conditions of the
Memorandum of Agreement:-

“ Patna High Court Mediation Centre
Memorandum of Agreement
Mediation Proceeding No. 259 of 2017
(Arising out of Cr. Misc. No. 3787 of 2017)

An agreement made on 01.02.2018 at the High Court Patna Mediation Centre, between.

Raj Verma, Son of Dinesh Prasad, resident of Village- Bajhiya Khurd, P.S.- Kalwa, District-East Champaran.....(First Party).

And

Chandani Kumari @ Chandani Devi, wife of Raj Verma, D/O Krishna Prasad Verma, resident of village-Pataura, Lala Tola, P.S. Motihari Muffasil, District-East Champaran...(Second Party).

Both the parties agree to settle the dispute in terms of one time settlement to live separately under the following terms and conditions:-

1. That both parties have arrived for one time settlement.
2. That First Party, namely, Raj Verma, has paid amount of Rs. 4,00,000/-(Rupees Four Lacs Only) to the opposite party no.2, namely, Chandani Kumari @ Chandani Devi and her minor daughter Ayushi Verma as one time settlement. Amount has been paid in three installments. First installment of Rs. 1,50,000/-(Rupees One Lakh Fifty Thousand) by Bank Draft, Second installment by cash Rs. 38,000/- (Rupees Thirty Eight Thousand) and last installment has been paid today Rs. 2,12,000/-(Rupees Two Lakhs Twelve Thousand) by Bank Draft vide nos. 11906431 and 845010503..
3. That parties have agreed that the learned court below cases filed by each party against other will be withdrawn. .
4. That both parties have agreed to get divorce on mutual consent.
5. That there will be no relationship of wife and her daughter with the husband. Meaning thereby none of them will claim any right against the person or property of the other thereafter. No one claim any amount of maintenance



alimony thereafter in future.

6. That the informant opposite party no. 2(Chandani Kumari @ Chandani Devi) shall withdraw the case being Comp. Case No. C-714 of 2015 pending before the learned Sub-Divisional Judicial Magistrate Sadar, Motihari, East Champaran U/s 498(A) of the I.P.C. and shall take all steps to withdraw the same against all the accused persons including husband and others and shall not peruse the same and shall also withdraw the Maintenance Case No. 97 of 2016, pending before learned Principal Judge, Family Court, Motihari, East Champaran, filed against the petitioner.
7. That both party shall co-operate each other and will take all necessary legal actions, steps for early disposal of the case.
8. That both parties in no case shall delay the whole process of disposal of all the pending cases.
9. The husband shall have no right to interfere in any issue of his wife (Chandani Kumari @ Chandani Devi) thereafter in future.
10. That both the parties don't want to proceed with any of the Criminal/Civil or other cases filed by them. They will not delay the withdrawal of the cases after full payment is made.
11. That opposite party no. 2 Chandani Kumari @ Chandani Devi and her daughter Ayushi Verma aged about 4 years will not claim any right against the property of the petitioner thereafter. Both of them will not claim any amount of maintenance thereafter in future.
12. That both the parties are mutually agreed to live separately from each other and shall have right to lead their own uninterfered life.
13. That the wife (Chandani Kumari @ Chandani Devi D/O Krishna Prasad Verma) shall file a consent petition for divorce as mutual divorce under Section 13(B) of the Hindu Marriage Act with a view of grant decree of divorce.
14. That failure to act upon this agreement by the parties, will give liberty to the other parties to initiate a proceeding for contempt for court for violation of the terms of compromise/undertaking given before this Hon'ble Court.
15. That failure to act upon the present agreement given by both the parties, before this Hon'ble Court would also amount to give false evidence, swearing wrong affidavit with a view to cheat which shall be punishable under the provisions of Indian Penal Code. The either of the party can initiate a



proceeding against each other for swearing false affidavit/giving false evidence/cheating.

16. That this agreement has been made by the parties without any pressure from the outside and undue advantage.
17. That the above contents of this agreement have been read over and explained to the parties in Hindi in presence of their respective lawyer which they have full understood and accepted there upon.
18. That in the above terms and conditions, a settlement has been arrived at between the parties and both have signed/thumb impression in presence of their learned counsel, who have also put their signature on this agreement paper.

Sd./- Raj Verma, 01.02.18.

(Raj Verma)

Signature of the petitioner
Date- 01.02.2018.

Sd./- Chandani Kumari @ Chandani Devi.

(Chandani Kumari @ Chandani Devi)
Signature of the opposite party no. 2
Date- 01.02.2018.

Sd./- Abhishek Kumar

For- Umesh Chandra Verma

Signature of the petitioner
Advocate.

A.O.R. No. 03143
Date- 01.02.2018.

Sd./-Ramakant Yadav

Signature of the opposite party No.2
Advocate.

A.O.R. No.03330
Date-01.02.2018. ”

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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 the learned S.D.J.M. Sadar at Motihari, East Champaran, in connection with Trial No. 2193 of 2016, arising out of Complaint Case No. C-714 of 2015, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

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(Sudhir Singh, J)

