

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36820 of 2018

Arising Out of PS. Case No.-70 Year-2017 Thana- BADHAILA District- Rohtas

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Anish Kumar @ Anish Kumar Singh son of Sri Atal Bihari Singh resident of village - Chanki, Police Station Baghaila, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nibha Kumari daughter of Raja Ram Singh wife of Anish Kumar Singh resident of village - Maudiha, Police Station - Nokha, District - Rohtas at Sasaram.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Roy
For the Opposite Party/s	:	Mr. Uma Shankar Pd. Singh, APP
For the O.P. No. 2	:	Bishwajeet Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 02-11-2018

Heard learned counsels for the parties.

The petitioner being the husband of the informant, is apprehending arrest in a case, registered for offences punishable under Sections 341, 323, 498A, 379, 504 and 506/34 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case as per the written report submitted by Nibha Kumari to the police officer, Dehri-on-Sone is to the effect that marriage between the petitioner and O.P. No. 2 was performed on 24.04.2016, but subsequently further dowry demand of Rupees Fifty Thousand and a gold chain was made and due to non-fulfillment of the same torture was inflicted upon the informant. It is also alleged that the informant found the petitioner in objectionable condition with his sister-in-law



(Bhabhi).

The petitioner and the informant-O.P. No. 2 are present. It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant.

It appears that on joint prayer of the parties, this Court vide order dated 20.09.2018 referred the matter to the Mediation and Conciliation Centre of Bihar State Legal Service Authority. The report of the Mediator dated 25.10.2018 at Flag 'X' reflects that the issue has been settled during mediation and both sides have decided to part ways on payment of one time settlement amount of Rs.2,50,000/- in three installments. Both sides agree to file appropriate matrimonial suit under Section 13(B) of the Hindu Marriage Act for getting the marriage dissolved with consent within a period of two months. The first installment of Rs.80,000/- will be paid at the time of filing of the matrimonial suit. The second installment will be paid at the time of settlement of both the parties and the third installment will be paid at the time of decree of divorce. The informant also agrees to withdraw the criminal case. Relevant portion of the Memorandum of Agreement reads as follows:-

“ Both the parties came to the amicable settlement on the following terms and condition:-

1. Both the parties i.e. are husband and



wife decided to live separately.

2. That the permanent alimony amount fixed between the parties is fixed of Rs.2,5000/- (Rupees Two Lakh Fifty Thousand Only).

3. That both the parties will file a petition of Divorce U/s 13(B) of Hindu Marriage of in the family Court Sasaram by mutual consent within two months.

4. That the first instalment of amount of Rs.80,000/-(Rupees Eighty Thousand) will be paid by way of demand draft to the opposite party No. 2 by the petitioner at time of filing Divorce case.

5. That the Second instalment of amount of Rs.80.000/-(Rupees Eighty Thousand) will be paid to the opposite party No.2 at the time of statements of both the parties in the matrimonial case.

6. That the third and last instalment of Rs.90,000/- (Rupees Ninety Thousnad) will be paid to opposite party No. 2 by the petitioner at the time of decree of Divorce.

7. That from today no any other case either Criminal or Civil or Maintenance will be filed by opposite party No. 2 against her husband and other in laws.

8. That the instant Baghela P.S. Case No. 70/2017 will be withdrawn after full payment of permanent alimony by the mutual consent of the parties.

9. That now there is no any type of



misunderstanding between the parties.

10. That in the above mentioned terms and conditions a settlement has been arrived at between the parties and both have signed in presence of their learned counsel, who have also put their signature on this agreement.”

It is jointly submitted that the appropriate matrimonial suit will be filed before the learned Principle Judge, Family Court, Sasaram on 26th November, 2018 and both sides agree to appear on the said date before the learned Court below. The informant also agrees to file an appropriate application to the effect that issue has been resolved between the parties in the present criminal case being Baghaila P.S. Case No. 70 of 2017 within one week of getting final payment of one time settlement amount as per the terms of agreement. The learned counsel for the informant undertakes to submit her bank account number on affidavit before the learned Court below within a period of ten days.

Keeping in view the facts that the issue has been resolved between parties in view of the aforementioned memorandum of agreement, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of the learned ACJM, Sasaram (Rohtas) in connection with Baghaila P.S. Case No. 70 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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