

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3389 of 2019

Arising Out of PS. Case No.-1012 Year-2017 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Alok Thakur Ram Vibhishan Thakur R/o Village- Sutihara, P.S.- Parihar,
District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar and Anr Bihar
2. Rinku Thakur @ Ritu Alok Thakur R/o Village- Sutihara, P.S.- Parihar,
District - Sitamarhi at present Daughter of Bachchu Choudhary, Resident of
Village- Bagahi, P.S.- Runnisaidpur, District - Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 30-08-2019 Heard learned counsel for the petitioner, learned counsel
for the complainant as well as learned counsel for the State.

This application, for grant of anticipatory bail, arises out
of Complaint Case No. CI-1012 of 2017, disclosing offences under
Section 498A and 379 of the Indian Penal Code and Section.

Petitioner happens to be husband of the complainant
and allegation against him is of subjecting the complainant to
cruelty in connection with demand of dowry.

Earlier the matter was referred to Patna High Court
Mediation and Conciliation Center and the report of learned
Mediator has been received, which is kept on record and from
perusal of the same, it appears that the dispute between the parties



have resolved through the process of mediation on the terms of settlement as mentioned in the memorandum of agreement. It further appears that the petitioner has agreed that he will look after his children (son and daughter) and he has agreed to bear the cost of their education at Ahmedabad till higher secondary level. They have also agreed that if the petitioner fails to pay the amount of cost of education, opposite party no. 2 is free to reopen the case.

Learned counsel for the petitioner as well as learned counsel for opposite party no. 2 have admitted the factum of settlement between the parties. However, learned counsel for the opposite party no. 2 has prayed that the petitioner may be directed to pay a certain amount towards the education of children per month but since, the matter has already been settled on the terms of agreement as mentioned in the memorandum of agreement and the same has been signed by the both the parties including their counsels, as such, I am not inclined to interfere in the agreement so arrived between the parties. However, the opposite party no. 2 will produce the expenses, which will be paid by the petitioner regularly

In view of the above facts, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty



five Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisinoal Judicial Magistrate, Sadar, Sitamarhi, in connection with Complaint Case No. CI-1012 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure. .

Let a copy of mediator's report as well as memorandum of agreement be sent to the concerned court below forthwith

(Vinod Kumar Sinha, J)

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