

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7207 of 2019**

Arising Out of PS. Case No.-55 Year-2017 Thana- KAMTAUL District- Darbhanga

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AVINASH THAKUR @ AVINASH KUMAR THAKUR Uma Shankar
Thakur Resident of Mohalla - Pandasari, P.S.- Laheriasarai, District-
Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Devi W/O Avinash Thakur D/O Mahendra Thakur R/O Pandav Sarai
Than Lahriasarai, District Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shama Sinha
For the Opposite Party/s : Mr.Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 02-08-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with
Kamtaul P.S.Case No.55 of 2017, registered for offences
punishable under Sections 147, 341, 324, 504, 498(A) of the
Indian Penal Code and Section 34 of the Dowry Prohibition Act.

This case is under Section 498(A) of the Indian Penal
Code and on appearance of the Opposite Party No.2, the
matter was referred to the Patna High Court Mediation and
Reconciliation Centre, vide order dated 4.4.2019. Now the
mediator has submitted his report which is kept at flag 'B' that
shows that the dispute between the parties has been resolved
through the process of mediation on the terms of agreement



mutually agreed between them and the memorandum of the agreement discloses that both the parties have agreed to resolve the dispute as one time settlement and in lieu of that first party is ready to pay Rs.3,25,000/- to the second party as full and final settlement amount between the parties within a period of tens months in six equal installment out of which first installment will be paid on the next date fixed for hearing before the Court and the second party undertakes not to pursue the criminal case. It is also agreed between the parties that once the third installment is paid, both the parties will file petition for divorce under Section 13 (B) of the Hindu Marriage Act before the Family Court, Darbhanga.

Both the parties are appearing, they have admitted the facts as stated above and in lieu of that learned counsel for the petitioner has handed over a cheque of Rs.54,400/- bearing Cheque No.996112 dated 2.8.2019 to the learned counsel for the Opposite Party No.2 and the same has been received by Opposite Party No.2 in the court itself from her counsel and he is ready to abide by terms and conditions as agreed between the parties.

In such view of the matter, let the petitioner be released



on bail on bail bond of Rs.25,000/- (Twenty Five Thousand) in connection with Kamtaul P.S.Case No.55 of 2017 to the satisfaction of SDJM, Darbhanga for a period of ten months, however, once the total amount i.e. Rs.3,25,000/- is handed over to the Opposite Party No.2, on being satisfied with the above fact, the learned court below shall confirm the bail bond of the petitioner and it is expected that both the parties shall abide by the terms and conditions as agreed between the parties.

Let copy of the mediation report along with the memorandum of agreement be sent to the learned court below for the needful.

With the above direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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