

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21297 of 2019

Arising Out of PS. Case No.-501 Year-2018 Thana- GAYA KOTWALI District- Gaya

ABHISHEK KUMAR @ MITHU Son of Late Mahendra Ram Resident of
Dilwarapur, near Kali Asthan, P.S.- Kotwali, District- Munger

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Gayatri Kumari D/o Late Mohan Prasad At present Address at Mir Safayat Road, P.S.- Kotwali, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alka Singh

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 03-09-2019 Petitioner seeks bail in anticipation of his arrest in connection with Gaya Sadar Kotwali P.S. Case No. 501 of 2018, registered for the offences punishable under Sections 498(A) of the Indian Penal Code and Section 3/ 4 of the Dowry Prohibition Act.

The case is under Section 498-A of the Indian Penal Code.

On appearance of the opposite party No. 2, the matter was referred to the Patna High Court Mediation & Reconciliation Center, vide order dated 21.06.2019. The report of Mediator is available on record at Flag “A” which disclosed that the dispute between the parties has been resolved through



process of mediation and memorandum of agreement disclosed that both parties are ready to reside with each other with condition that petitioner will keep the O.P. No.2 with dignity and care and will not misbehave and subject her to cruelty and further condition that the opposite party No.2 shall also pay respect to the father and mother of petitioner and will not misbehave with them. It is also made clear that the mother of the petitioner or any relative will not interfere in the marital affairs of the petitioner and opposite party no.2, lastly it has been made clear that if they are living peacefully for six months, the parties may move for withdrawing the cases on the basis of compromise petition.

Both the parties have admitted the above position and their signatures as well as the signature of the parties are also on the terms of memorandum of agreement.

In view of the above, this application stands disposed of with a direction to the petitioner go to the maik of the O.P. No. 2 on 13.9.2019 to bring her back and opposite Party no.2 shall cooperate in the same and thereafter both of them appear before the learned Court below on 19.9.2019 on their appearance petitioner will be released on bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the



like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Gaya Sadar Kotwali P.S. Case No. 501 of 2018, subject to conditions as laid down under Section 438 (2) of the Cr.P.C. and further direction is that one of the bailors of the petitioners shall be a local persons having sufficient immovable property within the jurisdiction of the Court concerned with condition that petitioner will abide by the terms of the memorandum of the agreement between the parties. Otherwise O.P. No. 2 shall be liberty to move the cancellation of bail bonds of the petitioner.

It is also expected that opposite party No.2 will also abide by the terms of agreement between the parties and shall also cooperate in restoration of the happy conjugal life between the parties.

Let a copy of Mediator's report along with the memorandum of agreement be sent to the Court concerned for needful.

With the aforesaid observations, this application stands disposed of

(Vinod Kumar Sinha, J)

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