

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21054 of 2019

Arising Out of PS. Case No.-165 Year-2018 Thana- CHARPOKHARI District- Bhojpur

Amrish Kumar Pandey @ Amrish Pandey Son of Haldhar Pandey Resident of
Village- Kaupa, P.S.- Karakat Godari, District- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 25-09-2019 Heard learned counsels for the petitioner, informant
and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 341, 323, 406 and 307/34 of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, as per the written report submitted by Puja Pandey, to the Station House Officer, Charpokhari Police Station, is to the effect that the marriage of the informant was performed with the petitioner on 27.04.2018. It is alleged that the petitioner has illicit relationship with her sister-in-law (wife of the elder brother), namely, Sandhya Pandey, as a result, the petitioner used to reside with her. Subsequently, further demand of dowry of a car was made by the sister-in-law and



others and due to non-fulfillment of the same, the petitioner and his sister-in-law made an attempt to kill the informant.

Learned counsel for the petitioner submits that the petitioner admits his marriage with informant. The main arose dispute between the parties since the petitioner, being an Army personnel, deceived to take the informant to his place of posting since he was unable to take her there.

On joint prayer of the parties, the matter was referred to the Mediation and Conciliation Centre of the Patna High Court Legal Services Committee, vide order dated 31.07.2019. The report of the Mediator dated, 24.09.2019, kept at flag- 'R' suggests that the issue has been resolved between the parties in terms of payment of one time settlement amount to the tune of Rs. 13,00,000/- within a period of six months. The report of the mediator reads as follows:-

“Both parties with learned counsel appeared before the Mediation Centre, Patna High Court and mediation proceeding was held and the petitioner offered Rs. 13,00,000/- (Rupees Thirteen Lakhs) to pay as one time settlement within a period of six months to which Opposite Party No.2 agreed but Opposite Party No.2 objected only on the period of payment and requested the mediator to get the one time settlement amount within a period of one or two months but the petitioner undertaken to pay the aforesaid amount i.e. Rs. 13,00,000/- (Rupees Thirteen Lakhs) within a period of six months to which the Opposite Party No.2 agree.



Accordingly, the matter settled between the parties by way of this mediator proceeding.

Hence, mediation succeeded.”

The contention of the learned counsel for the petitioner is not being controverted by learned counsel for opposite party no.2/ informant, but she claims that the money should be paid as early as possible.

Though, the issue of getting the marriage dissolved is not incorporated in the agreement, but both sides, who are present in the Court, agree that both are ready to file a matrimonial suit for getting the marriage dissolved and will file an appropriate application for withdrawal of the criminal case before concerned Court below within a period of one month.

It is expected from the learned Court below to pass appropriate order, if such matrimonial suit and application for withdrawal of the criminal cases are filed.

Considering the rival submissions of the parties and keeping in view the agreement arrived at between the parties during mediation, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM, X, Bhojpur at Ara in



connection with Charpokhari P.S. Case No. 165 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

In the meantime, the petitioner will make payment of agreed amount to the tune of Rs. 13,00,000/- to the informant either through the bank draft or by depositing the same in the bank account of the informant. The informant undertakes to supply her bank account detail to the petitioner by submitting the same on affidavit before the learned Court below within a period of three weeks.

On payment of Rs. 13,00,000/-, the learned Court below will confirm the provisional bail of the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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