

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30371 of 2019

Arising Out of PS. Case No.-741 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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HARINDRA CHAUHAN @ HARENDRA CHAUHAN Son of Gopal Chauhan Resident of Village - Piparahia, P.O.- Bajdatad- Mahuava, P.S.- Tarkulwa, Distt.- Devaria, U.P.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Shivarati Wife of Harindra Chauhan Daughter of Narayan Chaudhary, Resident of Village - Piparahiya, P.O.- Bajaratard Mahuava, P.S.- Tarakulwa, Distt.- Devaria U.P. Presently residing at Village Sehradawa, P.S.- Pathakhauli, Distt.- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary
For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 30-09-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Tr. No.2239 of 2018 arising out of Complaint Case No.741 of 2017 registered for offences punishable under Sections 323 and 498A of the Indian Penal Code.

Case is under Section 498A of the IPC. On appearance of the O.P.no.2, the matter was referred to the Mediation and Reconciliation Centre of Patna High Court. Now the report is available at flag 'X' that shows that the dispute between the parties has been settled on the condition that after Chhath Puja, 2019, the petitioner will bring his wife to his matrimonial house



and keep her with dignity and care and will not misbehave with her. At the same time, O.P.no.2 will not misbehave with her husband. Father-in-law, mother-in-law and other family members will not interfere in the marital affairs of both the parties. There is also condition that if O.P.no.2 is subjected to cruelty, the bail bond of the petitioner shall be cancelled. At the same time, the petitioner shall deposit Rs.50,000/- (Fifty Thousand) as fixed deposit in favour of his son and he will not execute any sale-deed till his son becomes major. Further condition is that after residing peacefully for six months, both the parties shall withdraw all cases filed against each other.

Heard learned A.P.P. and the learned counsel for the O.P.no.2, who has admitted the above agreement reached between the parties.

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with direction to the petitioner to surrender before the learned court below on 6.11.2019 and as per the condition, he has to bring her wife back and appear along with his wife before the learned court below and once they appear and ready to reside with each other, the learned court below shall release the petitioner on bail in connection with Tr. No.2239 of 2018 arising



out of Complaint Case No.741 of 2017 on condition that he has to keep his with dignity and care and abide by the conditions mutually agreed between the parties.

If the petitioner fails to bring back his wife and keep her with dignity and care, the petitioner has to surrender and pray for regular bail.

Let a copy of the mediators report along with the memorandum of the agreement be sent to the court concerned at once for the needful.

With the above observation this application is disposed of.

(Vinod Kumar Sinha, J)

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