

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5619 of 2018

In
CRIMINAL MISCELLANEOUS No.33535 of 2016

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Pramod Kumar Bhagat @ Pramod Bhagat Son of Late Ashok Bhagat, resident of Village- Mahrajganj, P.S.- Jamui, District- Jamui.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rinki Kumari, D/o Shobha Bhagat, resident of Village- Kachhari Dhala, Ward No. 1, Saharsa, P.S.- Saharsa, District Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Adv.
For the Opposite Party/s : Smt. Anita Kumari Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 21-08-2019 The order dated 10.07.2019 is modified to the extent that let the last word of first paragraph be read as ‘Committee’ in place of ‘Authority’.

Heard learned counsel for the petitioner and opposite party no.2.

The present application has been filed for modification of the order dated 24.10.2016, passed in Criminal Miscellaneous No.33535 of 2016 to the extent of confirming the provisional bail granted to the petitioner, being husband of the informant - opposite party no.2, in connection with a case registered for the offences punishable under Sections 341, 323, 324, 307, 498A of the Indian Penal Code and Sections 3/4 of the



Dowry Prohibition Act.

The marriage between the petitioner and the informant is an admitted fact.

The basic accusation is of inflicting torture and making assault upon the informant due to non-fulfillment of further dowry demand. It is specifically alleged that this petitioner, on the order of his mother, assaulted with 'farsa' on the head of the informant, whereas, brother of the petitioner, co-accused alleged to have assaulted on the neck of the informant with a knife, but the informant received injury near the left ear while other accused persons alleged to have assaulted the informant with lathi.

The petitioner was granted provisional anticipatory bail for one year on the basis of submission and statement made in paragraph no.11 of the main petition that the petitioner is ready to keep the opposite party no.2 as wife with full dignity and honour as both sides agreed to appear before the learned Court below on 10th of November, 2016 when the petitioner was supposed to take the informant to keep her as wife with full dignity and honour. The provisional anticipatory bail of the petitioner was to be confirmed by the learned Court below in three eventualities i.e., (i) on substantial restoration of



the matrimonial harmony, or (ii) if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned Court below. Since the provisional anticipatory bail of the petitioner has not been confirmed, hence, the present modification application.

It appears that this Court vide order dated 04.04.2018 while issuing notices upon the opposite party no.2 on the submission made by learned counsel for the petitioner to the effect that the bail bonds of the petitioner have not been cancelled, directed not to take any coercive steps against the petitioner in connection with Saharsa Sadar P.S. Case No. 437 of 2016, pending before the learned CJM, Saharsa. Thereafter, on joint prayer of the parties, this Court vide order dated 10.07.2019, referred the matter to the Mediation and Reconciliation Centre of Patna High Court Legal Services Committee. The report of the Mediator dated 09.08.2019, kept at 'Flag-M' reflects that the issue has been resolved between the parties through the process of mediation in terms of agreement arrived at between the parties. From perusal of the agreement arrived at between the parties, it appears that both sides decided to part ways on payment of one time settlement amount of Rs.3,25,000/- (Three Lac Twenty Five Thousand) and the same



has been paid by the petitioner to opposite party no.2. Both sides have also decided to withdraw the cases lodged against each other.

Learned counsel for the petitioner submits that in the circumstances, the present application may be disposed of by confirming the provisional anticipatory bail granted to the petitioner.

Learned counsel for the informant submits that in pursuance to the agreement arrived at between the parties, the entire one time settlement amount has already been paid to the informant and in that background, the informant is not opposing the prayer on behalf of the petitioner for modification of the order dated 24.10.2016, passed in Criminal Miscellaneous No.33535 of 2016. It is further submitted that the bail bonds of the petitioner has not been cancelled.

In the circumstances, the order dated 24.10.2016, passed in Criminal Miscellaneous No.33535 of 2016 with respect to the petitioner is modified only to the extent that let the provisional bail granted to the petitioner is extended by 16th of September, 2019 in connection with Saharsa Sadar P.S. Case No. 437 of 2016, pending before the learned CJM, Saharsa.

In the meantime, it is expected from the learned Court



below to pass appropriate order for confirming the provisional bail of the petitioner in view of the agreement arrived at between the parties during mediation.

Let a copy of this order be transmitted to the learned Court below through FAX/E-mail along with a copy of the report of the Mediator dated 09.08.2019 kept at 'Flag-M' and a copy of the agreement dated 09.08.2019 arrived at between the parties.

(Dinesh Kumar Singh, J)

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