

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36219 of 2019

Arising Out of PS. Case No.-4016 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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JANMAYJAY SWETANK Son of Barun Kumar Singh Resident of Dhanraj Tola, Barhiya, P.S.- Barhiya, District - Lakhisarai at present Resident of Barhiya House, Parvati Path, New Chitragupta Nagar, P.S.- Patrakar Nagar, District - Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nishi Wife of Janmayjay Swetank Daughter of Suryadev Prasad Singh, Resident of Village - Vadpur, P.S. - Marachi, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Sharma
For the Opposite Party/s : Mr.Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 21-11-2019 This application, for grant of anticipatory bail, arises out of Complaint Case No. 4016C of 2018, disclosing offences under Sections 323, 341, 342, 343, 344, 379, 307, 498A/34 of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act.

Petitioner happens to be husband of the complainant and allegation against the petitioner is of subjecting the complainant to cruelty and torture with respect to non fulfilment of demand of dowry .

It appears that on appearance of opposite party no. 2, the matter was referred to Patna High Court Mediation and



Conciliation Center, Patna and the report of learned Mediator is available on record, from which, it appears that the dispute between the parties have been resolved through the process of mediation upon payment of Rs. 25,50,000/- (Rs. Twenty Five Lakh Fifty Thousand) by the petitioner to complainant by Bank Draft/Cheque in the name of complainant – opposite party no. 2 till 31st October 2019. It further appears that both the parties agreed to withdraw the cases filed against each other and agreed to get the divorce case disposed of on mutual consent of opposite party no. 2 and the same has been signed by the parties and their advocates.

In pursuance to the above settlement, petitioner has produced five cheques i.e. Cheque No. 510064 for Rs. 6,50,000/-, Cheque No. 017223 for Rs. 5,50,000/-, Cheque No. 017222 for Rs. 5,00,000/-, Cheque No. 089472 for Rs. 4,50,000/- and Cheque No. 141916 for Rs. 4,00,000/- and agreed to pay the same to complainant towards one time settlement.

Learned counsel for the complainant has also appeared and he has admitted the factum of one time settlement between the parties and has supplied the A/c. No. of girl i.e. Account No. SBI A/c No. 1353104000078959.



Heard learned A.P.P. also.

In such view of the matter, this application is disposed of with direction to the petitioner to surrender in the court below on 28.11.2019 on that date, opposite party no. 2 shall also remain present in the court below and the petitioner shall handover the entire cheques of Rs. 25,50,000/- to complainant personally, which will also be recorded by the court below in his ordersheet and only after that the court below shall release the petitioner on provisional bail to his own satisfaction for a period of one month, during that period, the complainant – opposite party no. 2 get the cheques encashed and she will inform the same to the court below or the petitioner will produce the details of bank account showing the transfer of Rs. 25,50,000/- to the bank account of complainant – opposite party no. 2. Thereafter, the court below shall confirm the provisional bail of the petitioner.

It is made clear that both the parties have to abide by the terms and condition mutually agreed by them and it is expected that opposite party no. 2 shall not persuade the case and petitioner is also expected to withdraw the case/cases, if any, filed by him against the complainant or her family members.



It is also made clear that once the total amount is paid, both the parties shall file a petition on the ground of mutual consent in the already pending divorce case bearing Divorce Case No. 848/2018 and the learned Family Court considering the fact that divorce petition is pending from 2018, waive the period of six months and will pass an appropriate order in pending divorce case.

Let a copy of Mediator's report along with Memorandum of Agreement be also sent to the concerned Family Court as well court below along with this order.

(Vinod Kumar Sinha, J)

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