

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42665 of 2019**

Arising Out of PS. Case No.-267 Year-2016 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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OM PRAKASH KUMAR @ OM PRAKASH Son of Awadhes Singh
Resident of Village - Rainath, P.S.- Vansi, Dist.- Arwal.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Babita Devi W/o Om Prakash Kumar @ Om Prakash Resident of Village - Rainath, P.S.- vansi , Dist.- Arwal, Present Address- D/o Brij Mohan Prasad , Resident of Village - Sahar Telpa, P.S.- Karpi (Sahar Telpa), Dist.- Arwal.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha
For the Opposite Party/s : Mr.Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 21-10-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.267 of 2016 registered for offences punishable under Sections 323, 379, 498(A), 504/34 of the Indian Penal Code.

Case is under Section 498(A) of the IPC with allegation against the petitioner of demand of Rs.02 lac from her father and also subjecting her to cruelty. It appears that on appearance of the O.P.no.2 (wife), case was referred to the Mediation Centre and the report of the mediator is kept at flag 'M', which shows that the dispute has been settled between the parties through the process of the mediation on the condition that both the parties



have agreed to live separately and not making any claim against each other and further did not file any case against each other and also on condition that the petitioner has also to take steps for divorce on mutual consent.

Heard learned A.P.P. also.

Both the parties have admitted the above facts and there is submission of the O.P.no.2 that he should allow him to meet the children of the parties as one son and one daughter are residing with the petitioner and the petitioner has no objection to the aforesaid submission but he is not ready to allow her to meet the children in his house and if she contacts the petitioner, he will allow to meet the children outside the house at any other place.

In such view of the matter, petitioner is directed to surrender by 8.11.2019 and on that day O.P.no.2 shall also remain present and on surrender, he will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Arwal in connection with Complaint Case No.267/2016 subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure. Further in view of submission of the O.P.no.2, the learned court below shall also fix any date or time so that the O.P.no.2 may meet her children



outside the house of the petitioner.

With the above observation, this application is disposed of . Further both the parties are directed to abide by the conditions as agreed between the parties before the mediator .

Let a copy of the mediation report be sent to the learned court below for the needful..

(Vinod Kumar Sinha, J)

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