

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57203 of 2018

Arising Out of PS. Case No.-114 Year-2017 Thana- TEGHRHA District- Begusarai

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Shyam Kumar @ Shyam Kumar Mahto @ Shyam Mahto, Son of Sri Birul Mahto, resident of Village- Bishanpur, P.S.- Nagar, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Chandni Devi, W/o Shyam Lal Mahto, Resident of Village – Bajalpura, Ward No. 11, P.S. Teghra, District – Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhu Narayan Sharma
For the Opposite Party/s : Mr.Sri Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 10-07-2019 Heard learned counsel for the petitioner, learned counsel for the informant-opposite party no. 2 and learned APP for the State.

The petitioner, being the husband of the informant, is apprehending his arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The prosecution case, as per the written report of the informant, Chandani Devi submitted to the Station House Officer of Teghra Police Station, is to the effect that that the marriage between the complainant and the petitioner was performed in the year 2015 but subsequent to the marriage, there was further dowry demand and due to the non-fulfillment



of the same, torture was inflicted upon the informant. Earlier a case was also instituted with similar accusation which was compromised between both the parties. Though, a baby child was born but she could not survive. The informant came to know that the petitioner has performed second marriage.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant. The matter was referred to the Mediation Centre on the joint prayer of the parties vide order dated 08.05.2019 and the issue has been resolved between the parties in terms of parting ways. The report of the Mediator dated 08.07.2019 kept at Flag 'Q' suggests that the petitioner has handed over Rs.20,000/- and other belongings to the informant during mediation and they have decided to part ways.

Learned counsel for the informant does not dispute the factum of the agreement arrived at between the parties and terms of agreement arrived at during mediation.

Considering the fact that the report of the Mediator dated 08.07.2019 reflects that the issue has been resolved on payment of Rs.20,000/- , jewellery and other articles in terms of parting ways, let the above named petitioner be released on anticipatory bail in the event of arrest or 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 the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Teghra P.S. Case No. 114 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Both sides are ready to file appropriate matrimonial suit before Principal Judge, Family Court for a decree of divorce with mutual consent.

Let the order be transmitted to the learned Court below along with the terms of agreement arrived at between the parties during mediation.

(Dinesh Kumar Singh, J)

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