

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57881 of 2018

Arising Out of PS. Case No.-28 Year-2018 Thana- RUDRAPUR District- Madhubani

Md. Rehan, Son of Md. Abbas, Resident of Village- Harna, P.S.- Rudrapur,
District- Madhubani.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Nikhat Praveen, Daughter of Akhtar Ali, Resident of Village Araria Sangram,
Tola Mauahi P.S.- Jhanjharpur, District- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Jha, Adv.
For the Informant	:	Mr. Jitendra Kumar Bharti, Adv.
For the Opposite Party/s	:	Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 21-01-2019 Heard learned counsels for the petitioner, informant and
learned APP for the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offence punishable under Sections 341, 323, 498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case got initiated on the basis of written report dated 14.04.2018 submitted by Nikhat Praveen to the Station House Officer, Rudrapur Police Station is to the effect that the informant's marriage was performed with the petitioner in the year 2015. Subsequently, she gave birth to a male child. Though the new born child used to remain ill, but the in-laws



people did not provide him adequate medical assistance, consequently, he died. It is further alleged that subsequently, further dowry demand of Rupees Two Lac was made and for non-fulfillment of the same, torture was inflicted upon the informant by the petitioner and in-laws family members. Ultimately, the informant was driven out from the matrimonial house after snatching all her belongings.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of a male child out of the wedlock. The petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.10 of the petition, which reads as under :-

“That the petitioner is husband of the informant and ready to keep her as wife with full honour and dignity in her matrimonial house.”

This Court vide order dated 26.11.2018, on joint prayer of the parties, referred the matter to the Mediation and Conciliation Center of the Bihar State Legal Services Authority.

It is further submitted by learned counsel for the petitioner that the issue has been reconciled during the mediation proceeding, which gets reflected from the report of the Mediator dated 15.01.2019, kept at ‘Flag-X’. An agreement has also been



entered into between the parties, wherein both the parties are agreed to part ways on the terms of payment of one time settlement amount of Rs.3,25,000/- which will be paid by the petitioner to the informant in equal installments and the petitioner will also return the motorcycle bearing registration No.BR32M/7677. Both sides are also agreed to file appropriate application to withdraw all the pending litigations lodged/initiated at the behest of either party.

The compromise/terms of the agreement is not controverted by the learned counsel appearing on behalf of the informant-Opposite Party No.2. Hence, he is not opposing the prayer for bail of the petitioner.

Considering the fact that the issue has been reconciled between the parties, 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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Jhanjharpur, Madhubani, in connection with Rudrapur P.S. Case No.28 of 2018, G.R. No. 453/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let a copy of this order along with the report of the



Mediator dated 15.01.2019 and Terms of Agreement entered into between the parties during mediation proceeding be transmitted to the learned Court below.

However, the informant would be at liberty to move before this Court, if the petitioner fails to comply any of the terms stipulated in the Terms of the Agreement arrived at during mediation proceeding between the parties.

(Dinesh Kumar Singh, J)

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