

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63204 of 2018

Arising Out of PS. Case No.-2010 Year-2016 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Abul Hassan son of Md. Kamruddin Mian, Resident of Village- Ramgadhwa in front of petrol pump, Police Station- Ramgadhwa, District- East Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Aisha Shidiquee @ Rani wife of Abul Hassan, daughter of Md. Khalil Mian, Resident of Village- Ramgadhwa in front of petrol pump, Police Station- Ramgadhwa, District- East Champaran presently residing at Mohalla- Narkatiyaganj, Block- Road Kuraishi, Police Station- Shikarpur, District- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No.-7
For the Opposite Party/s : Mr.Sri Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 10-07-2019 Earlier the matter was referred to the Patna High Court Mediation and Reconciliation Centre and the mediation report has also been received, which is kept at flag 'M2', disclosing that the matter has been resolved between the parties, however, the case has been placed under the heading 'For Orders'.

On perusal of the mediation report, it appears that the dispute between the parties has been resolved through the process of mediation on the terms of settlement mutually agreed upon by them, which is part of the mediation report that shows



that both the parties have agreed for settlement of dispute in terms of one time settlement to live separately under the following terms and conditions : -

“1. That First Party has paid Rs.2,11,000/- (Rupees Two Lakh Eleven Thousand only) to Second party and the matter has been resolved out side of the Court/Mediation with full consent of the parties.

2. That both the parties shall withdraw all the cases whichever they filed before the concerned Court.

3. That the Second party will not raise any grievances before concerned Court regarding the matrimonial dispute. They will file divorce case before the competent court and the same will be resolved with mutual consent as soon as possible.

4. That the both parties shall free to live separately under mutual consent as per their choice.

5. That the above contents of this agreement have been read over and explained to us in Hindi in presence of our respective lawyer which we have fully understood and accepted thereupon.

6. That in the above terms and conditions a settlement has been arrived at between the parties and both have signed/thumb impression in presence of their learned counsel, who have also put their signature on this agreement paper.”

In view of the above facts and circumstances, let the



petitioner surrender on 18.7.2019 and on surrender on 18.7.2019, 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, Bettiah, West Champaran in connection with Complaint Case No.2010-C of 2016 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure, with condition that he will abide by terms and conditions as mutually agreed upon between the parties before the Mediator. O.P.no.2 has also accepted that she will also abide by terms and conditions as mutually agreed upon between them.

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

In view of the above facts and circumstances, this application is allowed..

(Vinod Kumar Sinha, J)

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