

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48729 of 2019

Arising Out of PS. Case No.-401 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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GHANSHYAM PRASAD Son of Gajendra Prasad Resident of Village- Neuri,
P.S.- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kumari Mamta @ Sharda Devi Wife of Ghanshyam Prasad Resident of Village- Neuri, P.S.- Biroul, District- Darbhanga, at present- Kumari Mamta @ Sharda Devi, D/o Ram Shanker Lal, Resident of Village- Dharaha, P.S.- Rosera, District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Opposite Party/s : Mr.Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 16-11-2019 This application, for grant of anticipatory bail, arises out of Complaint Case No. 401 of 2017, disclosing offences under Sections 498A 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 on payment of one time settlement of Rs. 6,50,000/- (Six Lakh Fifty Thousand) out of which, petitioner has paid Rs. 50,000/- (Rs. Fifty Thousand) and further he will pay Rs. 2,00,000/- (Rs. Two Lakhs) at the time of taking signature of complainant on petition for divorce suit with consent and second installment of Rs. 2,00,000/- (Rs. Two Lakh) will be paid by the petitioner at the time of compromise before the court below and third and last installment shall be paid by the petitioner to complainant at the time of final outcome of divorce suit all the installments shall be paid through Demand Draft and paid in the court below in three months.

Both the parties have appeared and they have admitted the factum of settlement of dispute between the parties.

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 within six weeks from the date of receipt of this order, on which, the court below shall release him on bail on furnishing bail bonds of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of like amount each to satisfaction of learned SDJM,



Rosera, Samastipur, in connection with Complaint Case No. 401 of 2017 subject to the condition as laid down under Section 438(2) Cr.P.C with further subject to the condition that petitioner shall abide by the terms of agreement mentioned in the memorandum of agreement.

At the same time, complainant is also expected to abide by the terms and condition mutually arrived between her and the petitioner.

Let a copy of mediation report and memorandum of agreement be also sent to the concerned court below along with this order.

(Vinod Kumar Sinha, J)

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