

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71418 of 2018

Arising Out of PS. Case No.-104 Year-2018 Thana- BISFI District- Madhubani

Ganesh Yadav @ Ganesh Kumar Son of Kailash Yadav Resident of Village-
Chirmara, Police Station-Keoti, District-Darbhangha.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-04-2019 This is an application for grant of anticipatory bail in connection with Bisfi P.S. Case No. 104 of 2018, disclosing offences under Sections 341, 323, 498(A), 504, 506, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Case is under Section 498(A) of the I.P.C. Both the parties have appeared and the matter was referred to the Patna High Court Mediation Center vide order dated 11.12.2018 and the report of the Mediator, which is available at Flag 'X', which shows that the dispute between the parties has been resolved and the agreement is attached with the report, which shows that the petitioner will pay total amount of Rs.3,00,000/- out of which Rs.1,00,000/- has already been paid to the opposite party no.2 and rest of the amount of Rs.2,00,000/- will be paid by the



petitioner to the opposite party no.2 in two equal installments of Rs.1,00,000/- and Rs.1,00,000/- will be paid by the petitioner to the opposite party no.2 on or before filing of matrimonial petition for grant of decree of divorce under Section 13(B) of the Hindu Marriage Act, before the Family Court, Darbhanga, and the rest amount will be paid before finalization of said matrimonial proceeding and the agreement also shows that both the parties have to file a joint petition for grant of decree of divorce under Section 13(B) of the Hindu Marriage Act by 18.03.2019.

Submission of learned counsel for the petitioner is that he has already paid Rs.1,00,000/-, but so far filing of petition under Section 13(B) of the Hindu Marriage Act is concerned, as the brother of the petitioner has also lodged a kidnapping case against the informant and others and due to that the petition under Section 13(B) of the Hindu Marriage Act, could not be filed.

Heard learned A.P.P. as well as learned counsel for the informant.

Having heard both sides, considering the above submission, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court



below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of court concerned with condition to abide by the terms of agreement with modification that he will expedite the matter by filing a joint petition under Section 13(B) of the Hindu Marriage Act and before such petition is filed, the petitioner will pay Rs.1,00,000/- out of Rs.2,00,000/-.

Let a copy of the Mediator's report along with the memorandum agreement be sent to the court concerned.

(Vinod Kumar Sinha, J)

Amjad/-

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