

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27275 of 2020**

Arising Out of PS. Case No.-207 Year-2019 Thana- DARIYAPUR District- Saran

SAFRUDDIN @ SAFRUDIN @ SIFRAN Son of Azmuddin @ Azimudin @
Bawali Resident of Village- Mushahari, P.S.- Dariyapur, District- Saran.

... .. Petitioner

Versus

1. The State of Bihar
2. Jaheda Khatoon D/o Md. Gafar @ Md. Gafur Miyan, W/o Safruddin @
Safrudin @ Sifran Resident of Village- Mushahari, P.S.- Dariyapur, District-
Saran At present residing at Village - Saidpur, Parsa, P.S.- Dariyapur,
District- Saran.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Dr. Rajesh Kumar Singh, Advocate
For the State	:	Ms. Anita Kumari Singh, APP
For O.P. No. 2	:	Mr. Anish Akhtar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 15-12-2020 Heard learned counsel for the petitioner, learned
counsel for the informant-O.P. No. 2 and Ms. Anita Kumari
Singh, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Dariyapur P.S. Case No. 207 of 2019
registered for the offence punishable under Sections 341, 323,
498(A)/34 I.P.C. and 3/4 Dowry Prohibition Act.

Earlier vide order dated 19.10.2020, this Court had
granted provisional bail to the petitioner after the petitioner
expressed his readiness and willingness to pay a sum of
Rs.15,00/- per month to the Informant-O.P. No. 2 subject to any
order which may be passed in appropriate proceeding relating



to maintenance. After notice now O.P. No. 2 has appeared.

Learned counsel for the petitioner has confirmed that the petitioner is paying Rs.15,00/- per month to O.P. No. 2 and this fact has not been disputed. Learned counsel for the petitioner submits that in fact the parties have no issue out of the wedlock and on account of the matrimonial discord, with an intention to settle the dispute there was a panchayati in the village in which it was agreed to get dissolve the marriage and in lieu thereof a sum of Rs.1,75,000/- was to be paid by this petitioner to O.P. No. 2. The reasons for matrimonial discord is stated in paragraph '7' of the present petition though it is not admitted by O.P. No. 2. It is submitted that O.P. No. 2 has later on retracted from the decision taken in the panchayat but the petitioner is still ready to enter into one time settlement with O.P. No. 2.

Learned counsel for O.P. No. 2 has appeared with a clear instruction and has submitted that O.P. No. 2 is ready on both counts. She is ready to revive the matrimonial relationship if the petitioner so agrees but in case it is not possible she would also be ready to go out of this marriage and for that purpose one time settlement may be negotiated.

Learned APP for the State is present, however, in the



given facts and circumstance learned APP has no significant contention.

Having regard to the facts and circumstances of the case and taking into consideration the willingness of the parties to get out of the marriage by entering into one time settlement and there being a submission on behalf of them that the matter may be sent for mediation on this issue in the mediation centre attached to the learned court below, at this stage this Court confirms the provisional bail granted to the petitioner subject to the conditions already indicated in the order dated 19.10.2020 and petitioner shall be allowed to remain on bail on the same bail bonds. In the nature of the dispute, this Court directs that the learned court below shall refer the records of this case to the mediation centre attached to the learned court below for purpose of resolving the dispute between the parties on the issue of one time settlement. Let such mediation takes place within a period of three months from today.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

