

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40663 of 2019

Arising Out of PS. Case No.-440 Year-2018 Thana- MAHESI District- East Champaran

SHAHID KHAN Son of Sarfaraz Khan Resident of Village- Mogal Pura
Chaklalu, P.S.- Mehshi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Md. Aslam Ansari

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 16-06-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Mahsi P.S. Case No. 440 of 2018, disclosing the offence under Sections 341, 323, 498-A, 504/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Petitioner is the husband of the informant. The dispute between the parties was referred to Patna High Court Mediation Centre. It appears that the mediation process concluded with the negotiated settlement between the parties to the following effect :-

*“1. That First Party paid of Rs. 5,00,000/-
(Rupees Five Lakh only) in one instalment
to the Second Party within a period of six
months from today and the matter has
been resolved out side of the Court/*



Mediation.

2. That both the parties shall withdraw all the cases filed by the both the parties which ever they filed before the concerned Court.

3. 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 there upon.

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 counsels, who have also put their signature on this agreement paper.”

Learned counsel appearing on behalf of the petitioner has submitted that part of the agreed amount has been paid to the informant and rest of the amount shall be paid to her within three months.

Considering the fact that the parties have arrived at negotiated settlement in a mediation proceeding as noted above, this application is allowed. Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of



Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned ACJM-6, East Champaran at Motihari, in Mehsi P.S. Case No. 440 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

U		T	
---	--	---	--

