

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49015 of 2019

Arising Out of PS. Case No.-198 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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EKBAL AHMAD S/o Nesar Ahmad @ Mohammad Nesar Resident of
Village- Muslim Mahal, P.S.- Mughal Sarai, District- Chandauli (U.P.).

... .. Petitioner

Versus

1. The State of Bihar
2. Reshma Khatoon W/o Ekbal Ahmad, D/o Md. Raseed Resident of Village-
Muslim Mahal, P.S.- Mughal Sarai, District- Chandauli (U.P.).
At present- Reshma Khatoon D/o Md. Raseed R/O-village-Karansarai, P.S. -
Sasaram Nagar, District – Rohtas.

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Babu Nandan Prasad, Advocate
For the State	:	Mr.Akhileshwar Dayal, A.P.P.
For the Complainant	:	Mr. Ajay Kumar Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

10 23-03-2021 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned A.P.P. for the
State.

Petitioner, in the present case, is seeking pre-arrest bail
in connection with Complaint Case No. 198 of 2018 registered for
the offence under Section 498(A) of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the parties jointly submit that there
is an out of court settlement. Learned counsel for the petitioner
however submits that in terms of settlement the payments are yet
to be made to opposite party no. 2. Learned counsel proposes to
pay the same to opposite party no. 2 as and when this Court may



direct.

Earlier the case was adjourned awaiting for a mediation report from the Patna High Court Mediation Centre, Patna. The case is pending for the last 1½ years only for submission of the final mediation report.

Learned counsel for opposite party no. 2 submits that instead of keeping the matter pending with this Court, it may be disposed of in appropriate terms giving a direction to the learned court below to refer the matter to the Mediation Centre attached to the learned court below where both the parties shall sit together and whatever payments are to be made by the petitioner to the opposite party no. 2 be made. Learned counsel for the petitioner has no objection to the same.

In the facts and circumstances of the case, in the nature of the dispute between the parties having been resolved through out of court settlement, this Court directs that in the event of his arrest or surrender within a period of six weeks from today in connection with Complaint Case No. 198 of 2018 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Rohtas at Sasaram, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

Further condition that before surrendering in the learned court below, the petitioner would pay the settlement amount to opposite party no. 2 in terms of settlement. In order to ensure this, the learned court below shall refer the records of this case to the Mediation Centre attached with the court below within one week from the date of receipt/production of a copy of this order.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

