

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3948 of 2023

Arising Out of PS. Case No.-608 Year-2022 Thana- SIRDALA District- Nawada

DEEPAK KUMAR Son of Suresh Pandit R/o Village - Lound, P.S.- Sirdalla,
District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 16-10-2023

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant application for grant of regular bail in connection with Sirdala P.S. Case no. 608 of 2022 registered under sections 307, 498A, 341, 323, 504, 506 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that by order dated 7.4.2023 while granting provisional bail to the petitioner, the case had been referred for mediation between the parties.

4. Both learned counsel for the petitioner as also learned counsel for the informant submit that the parties appeared in the mediation proceeding and by an agreement dated 22.8.2023 the matter has been settled between the parties.

5. On perusal of the record it transpires that an



agreement was entered into between the parties on 22.8.2023 in Mediation Proceeding No. 314 of 2023 in the Patna High Court Mediation Center and a copy of the said report signed by both the parties as also their respective counsels along with the mediators' report has been received in this case.

6. Copy of the agreement arrived at between the parties is reproduced hereinbelow in its entirety for ready reference.

“Patna High Court Mediation Centre

Memorandum of Agreement

Mediation Proceeding No.314 of 2023

[Arising out of Cr. Misc. No.3948 of 2023]

An agreement made on 22.08.2023 at the Patna High Court Mediation Centre, between, Deepak Kumar, Son of Suresh Pandit, resident of Village-Lound, P.S.-Sirdalla, District-Nawada.

----- Petitioner/(First party).

And

Sobha Kumari, wife of Deepak Kumar, D/o Sri Ramsagar Prajapati, resident of Village-Sidala, P.Q.-Sirdala, P.S.-Sirdala, District-Nawada, Pin Code-805127, District-Bihar.

---- Opposite Party No.2/(Second party).

Both parties and their learned advocates appeared in mediation proceeding and after great persuasion matter settled between the parties as per their sweet will and desire on the following terms and conditions:-

1. The petitioner (Deepak Kumar) offered to pay Rs.6,50,000/-(Rupees Six Lakh Fifty Thousand) only as lump-sum full and final settlement for all the cases pending between the parties. The opposite party No.2 (Sobha Kumari) accepted the offer.

2. That the petitioner (Deepak Kumar) and Opposite Party No.2 namely (Sobha Kumari) are ready to withdraw the cases Civil as well as Criminal pending between them and Opposite Party No.2 Sobha Kumari withdraw the Sidala P.S. Case No.608 of 2022 pending in the Court of Judicial Magistrate, Nawada.



3. That the petitioner Deepak Kumar, has paid Rs.3,00,000/- (Rupees Three Lakh) by Cheque No. 989682, dated 22.08.2023, issued by Punjab National Bank, Sirdalla, Nawadah and Rs.3,50,000/- (Rupees Three Lakhy Fifty Thousand) by Draft No.277656, dated 16.08.2023 State Bank of India, Nawada and Opposite Party No.2 namely Sobha Kumari is accepting the both Demand Draft No.277656, dated 16.08.2023 in presence of their learned counsels.

4. That after encashment, both party will live separately and will not claim anything in future against each other.

5. That the petitioner and the opposite party No.2 will become free and independent for solemnization of another marriage after getting the consent of decree of divorce.

6. That the aforesaid contents of the agreement have been read over and explained into Hindi, which have fully been understood and accepted by the parties.

Hence, in the above terms and conditions a settlement has been arrived between the parties and both have signed in presence of their respective learned counsels, who have also put their signature on this agreement.”

7. Heard learned A.P.P. for the State.

8. Having heard learned counsel for the parties and taking into consideration the agreement arrived at between the parties in the Patna High Court Mediation Center, terms of which has been reproduced hereinabove, the instant application for bail is allowed.

9. It is ordered that the provisional bail granted to the petitioner in connection with Sirdala P.S. Case no.608 of 2022 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned is hereby confirmed.



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(Partha Sarthy, J)

