

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19509 of 2023

Arising Out of PS. Case No.-246 Year-2022 Thana- ARWAL District- Jehanabad

Rupesh Kumar, aged about 23 years, Male, Son of Deoraj Chaudhary,
Resident of Village-9 No. Sulis Mahuabag, P.S.-Arwal, District-Arwal.

... .. Petitioner

Versus

1. The State of Bihar.
2. Anjali Kumari, aged about 21 years, Female, Daughter of Vijendra Chaudhary, Resident of Village-Kanhaul, P.S.-Bihta, District-Patna.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Birendra Kumar, Advocate
For the O.P. No. 2	:	Mr. Parwej Khan, Advocate
For the State	:	Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

8 21-02-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Arwal P.S. Case No. 246 of 2022 for the offences punishable under Sections 498A of the I.P.C. and 4 of the D.P. Act.

3. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the victim for more money as dowry and on 31.05.2022 at about 4.00 P.M., the informant talked with his daughter and she was weeping by saying to kill her and on 01.06.2022 at about 5.00 P.M., the



informant's Samadhi has stated on phone that his daughter fled away anywhere. The informant suspected that they might have killed his daughter.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the victim. It is further submitted that the petitioner is the husband of the victim and he has no concern with the alleged offence. It is submitted that there is general and omnibus allegation against the petitioner. It is further submitted that from perusal of the order dated 17.02.2023, passed by the learned Sessions Judge, Jehanabad, it appears that the petitioner was ready to keep the opposite party no. 2 but she has refused to live with the petitioner as stated in paragraph no. 10 of the bail petition. Learned counsel for the petitioner has relied upon the judgments of this Court in the case of "***Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar***", reported in ***2006(3) PLJR 182***" and in the case of ***Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351*** and ***Md. Asfak Alam Vs. The State of Jharkhand & Anr.*** passed in ***Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No.***



3433 of 2023. Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. However, now the petitioner and the victim are ready to resolve the dispute between them through the Mediation Proceeding on the following terms and conditions:-

“ Patna High Court Mediation Centre
Memorandum of Agreement
Mediation Proceeding No. 764 of 2023
(Arising out of Cr. Misc. No. 19509 of 2023)

An agreement made on 12.12.2023 at the High Court, Patna Mediation Centre, between, Rupesh Kumar, Son of Deoraj Chaudhary, resident of Village-9no. Sulis Mahuabag, P.S.-Arwal, District-Arwal. ---- Petitioner(First Party).

And

Anjali Kumari, daughter of Vijendra Chaudhary, resident of Village-Kanhauli, P.S.-Bihta, District-Patna.

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

Both the parties appeared in the Mediation Proceeding along with their Advocates and ready to resolve the dispute through the Mediation Proceeding on the following terms and conditions:-

1. That after great persuasion both the parties agreed to live separately and for this the petitioner offered to pay Rs. 6,00,000/- (Rupees Six Lakh Only) as full and final settlement amount to the Opposite party No. 2 (Anjali Kumari). Opposite Party No. 2 accepted the offer and gave her consent.
2. That both the parties agreed that the aforesaid amount shall be paid firstly on 12th December, 2023 of Rs. 1,00,000/- (Rupees One Lakh) in which cash of Rs. 49,000/- (Rupees Forty Nine Thousand) and a cheque of Rs. 51,000/- bearing Cheque No. 000010, dated 12.12.2023 of Bank of Baroda has been paid to the opposite party No. 2. The rest agreed amount of Rs. 5,00,000/- (Rupees Five Lakh) shall be paid in ten installments



to the opposite party No. 2 i.e., Rs. 50,000/- per month in the account of father of the Opposite Party No. 2 namely Vijendra Chaudhary @ Bijendra Chaudhary bearing account No. 12172150000910, IFSC Code-PUNB0121710.

3. This settlement shall be full and final settlement and no party shall claim in future against each other, in any manner.

4. That both the parties agreed to final mutual consent divorce case under section 13 (B) of Hindu Marriage Act, 1955, before Principal Judge, Family Court, Jehanabad, and after that both the parties are free to lead their life as per their own will.

5. That divorce petition shall be filed by both the parties mutual consent after reimbursement of whole amount of settlement to be paid to the opposite party No. 2.

6. That both the parties agreed that any case filed against each other shall be withdrawn. Arwal P.S. Case No. 246 of 2022 pending before learned Chief Judicial Magistrate, Arwal shall be withdrawn by the O.P. No. 2 informant.

7. That some objectionable picture of petitioner is kept by the Opposite Party No. 2, the Opposite Party No. 2 shall not misuse these photographs of the petitioner in any manner.

8. That the above contents of the agreement have been read over and explained to us in Hindi which have fully understood and accepted there upon.

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

Sd/-
(Rupesh Kumar)
Signature of the petitioner
Date-12.12.2023

Sd/-
(Birendra Kumar)
Signature of the Petitioner's
Advocate, A.O.R. No.
00136
Date- 12.12.2023

Sd/-
(Anjali Kumari)
Signature of the opposite party
No. 2. Date-12.12.2023.

Sd/-
(Parweej Khan)
Signature of the O.P. No. 2
Advocate, A.O.R. No. 02157
Date- 12.12.2023."

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have also conceded the contentions made by the learned counsel for the petitioner. Learned counsel



for the opposite party no. 2 has further submitted that now the petitioner and the victim have resolved the dispute through the Mediation Proceeding on the terms and conditions as stated above and they have no any grievance to each other.

6. Considering the aforesaid facts and circumstances of the case as well as both the parties have resolved the dispute through the mediation proceeding, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Arwal in connection with Arwal P.S. Case No. 246 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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